Grassroots Governance: Domestic Violence and Criminal Justice Partnerships in an Immigrant City

by

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Centre of Criminology and Sociolegal Studies
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Abstract

My dissertation is a critical ethnography of grassroots feminist agencies and immigrant organizations involved in the governance of gender violence in Toronto, Ontario. Along with examining the agencies operating on the outskirts of the law, I also observe the organizations that contract directly with the provincial government to counsel abusers prosecuted through the city’s specialized domestic violence courts. Drawing on the methodological and theoretical insights of socio-legal studies, postcolonial feminism, and governmentality scholarship, my research explores the governance of domestic violence through the community. Specifically, I examine how the voluntary sector performs the state’s work of prosecuting domestic violence, punishing offenders and building citizens. My research reveals the significant influence that community organizations exert on the prosecution of gender violence and in defining the conditions of punishment for offenders. Through court observation of Toronto’s domestic violence plea court, I show how grassroots administrative workers transform into hybrids of the prosecutor and defense within governance networks. In addition, based on interviews with service providers delivering counseling to offenders, I document how non-profit organizational habits add distinctive flavors to the administration of punishment, materializing in governing regimes that emphasize care in some contexts and discipline in others. Finally, I also explore the
dual constructions of immigrant counselors as both the experts and the “others” to the nation with regards to gender violence. In contrast to assumptions of ignorance amongst the immigrant “other” in the liberal imaginary, my findings indicate that the notion of women’s empowerment is nothing new or unfamiliar within Toronto’s diasporic communities; several of the immigrant anti-violence experts involved in this research credit their politicization and training “back home” as foundational to their involvement in feminist and the anti-violence movement. These findings challenge liberal assumptions of the East as a space devoid of the cultural material of women’s empowerment, which form the backbone of Western performances of modernity.
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Chapter 1
Introduction

In a March 2012, Democracy Now! broadcast, feminist activist and The Vagina Monologues writer, Eve Ensler appeared to discuss her involvement with the global feminist movement to end violence against women and publicize her new campaign, “One Billion Rising,” a global day of action against rape. Ensler’s interview with Democracy Now! coincided with Republican challenges to the re-authorization of the Violence Against Women Act and political attacks on women’s reproductive rights within the United States, specifically congressional debates over legislation in Virginia requiring women to undergo ultrasounds before receiving abortions. Against this backdrop, Ensler contrasted the contemporary political climate on women’s rights in the United States with the recent, feminist inspired initiatives launched by the Congolese government. In her denouncements of Republican campaigns, she raised the question: what are we modeling to the rest of the world?

Unlike the early days of Western based global feminist movements to end violence against women, Ensler is critical of the taken for granted assumptions that the West has mastered the concept of women’s empowerment, and that the East still has much to learn from it with regards to achieving gender equality. Her question –what are we modeling for the rest of the world? – however, indicates that despite evidence to the contrary, this perception remains squarely in place. Whether or not Ensler actually believes that the United States should operate as a model to the rest of the world, her point illuminates that it simply does, despite its hypocrisy and the country’s ongoing attacks on women’s rights.

The ideas that the West has essentially figured out the problem of women’s oppression, while the East has not attests to the continuing importance of empirically examining responses
to violence against women with a critical eye. The status of women has long been considered a symbolic barometer of national health, as well as a signifier of Western civility and Eastern barbarism in the liberal democratic imaginary. Given the links between the treatment of women, modernity and Western hegemony, understanding social, community and legal responses to sexual assault and domestic violence is of relevance not only to those interested in these issues on their own, but also within the context of wider questions of global disparities and the perpetuation of colonial logics.

The notion that the West serves as model for the rest of the world also raises questions when we think about the issue of violence against women within the context of immigration and transnationalism. Accompanying this unquestioned assumption is the notion that migrant women from the East will enjoy the benefits of female empowerment and less potential for violence when they cross borders. Yet, there is also the assumption that the principle of women’s empowerment will be threatened by those who have been raised without it. These anxieties surface frequently in the Canadian context, as is evidenced by recent debates over whether not “honor killing” should be included in the criminal code as a distinct legal violation, as well as the ongoing media panics over whether multiculturalism is threatening Canada’s commitment to women’s equality. Against this wider theoretical backdrop, the assumption is that when it comes to violence against women, migrants from the East are either pupils of or threats to the West.

The critical literature on global feminist initiatives abroad has challenged these assumptions through highlighting the proliferation of non-Western movements to end sexual and domestic violence. However, not much is empirically known about anti-violence initiatives established specifically to address the problem in immigrant communities within the West,
particularly the diasporic actors who administer these services to newcomers coping with violence in their homes. Within the Canadian context, and particularly in Toronto since the late 1970’s, ethno-specific, immigrant organizations have been at the forefront of responding to the problem and in mediating between the law and diasporic clientele. The positioning of immigrants as the experts on a problem about which they are theoretically viewed as lacking knowledge illuminates the contradictions of hegemony and the importance of examining how violence is addressed within these locales.

Along with gaining insight into larger questions of Western hegemony, studying violence against women can also provide us with an understanding of the governing networks of grassroots actors who manage the problem outside of official legal and state systems. Possibly more so than any other crime, responses to violence against women have been heavily influenced by the knowledges and expertise of community based movements. Particularly since second wave feminism, yet even before that, reformers have sought to modify how the criminal justice system responds to the problem; and, for the most part, these efforts have been extremely influential. In the 1980’s, for instance, activists succeeded in implementing mandatory charging and aggressive prosecution policies in domestic violence cases in several jurisdictions throughout North America. In addition, the issue of domestic violence has also been constituted as one of a handful of social problems requiring specialized legal intervention, which has resulted in the incorporation of non-state actors in the justice system. In the past three decades, hundreds of specialized domestic violence courts have been established throughout North America. In their national study on the issue, The Center for Court Innovation noted over 200 courts in operation in the United States as of 2009 (Bradley et al: 2010). The domestic violence court trend evolved through a combination of administrative concerns and problem solving intentions. Along with expediting the prosecution of cases, the courts aim to
rehabilitate offenders through mandating their attendance at counseling programs, which are generally administered by social workers and educators based in organizations outside of the criminal justice system. The proliferation of problem solving, domestic violence interventions has thus effectively institutionalized the participation of non-state actors into the legal system in a both a rehabilitative and punitive capacity.

Studying community based actors involved in the governance of domestic violence is important, in part because very little is currently known about how they administer their responsibilities in the legal system. Within the field of criminology, typical law enforcement actors and institutions, such as the police, probation officers and prisons, dominate research. To date, few have theorized the role of non-state actors in maintaining law and order, despite the growing trend of the criminal justice and community partnership. Focusing on governing networks involving quasi-legal actors also offers a new theoretical contribution to socio-legal research, particularly legal consciousness studies. Law and society scholarship emerged with the theoretical and methodological intentions of challenging both the understanding and study of the “law” and the “social” as two distinct fields. Over the years, socio-legal scholars have incorporated these principles into empirical research in different ways. Legal consciousness scholarship, for instance, aimed to challenge a “law first” perspective through emphasizing the study of the ordinary person, which triggered a proliferation of research on how average people engage with, understand, and reproduce the law in their everyday lives. Though notable for revealing the intertwining of “law” and the “social,” one can argue that studies on the everyday person do not entirely disrupt these conceptual confines. The focus on the governance networks that emphasize the quasi-legal actors positioned in between the average person and the legal professional bypasses these longstanding theoretical divides that socio-legal scholarship emerged to transcend.
In order to provide an empirical analysis of law, order and modernity at the grassroots, this study examines the civil society-state relations developed over the past three decades to govern the crime of domestic violence in Toronto, Ontario. In addition to exploring the community organizations that partner with the criminal justice system to end abuse, I also analyze the everyday work of immigrant anti-violence advocates based in the city’s extensive sector of ethno-specific organizations. Toronto provides a unique opportunity to examine the quasi-legal responsibilities of voluntary organizations involved in initiatives to end gender violence. Currently, the strategy of the community-criminal justice partnership serves as the foundation of the city’s official legal response to the problem. Largely due to the advocacy efforts of several grassroots feminist agencies, immigrant organizations and non-profit family support services, in the late 1990’s, the Ontario Ministry of the Attorney General (M.A.G.) implemented the city’s and the province’s first specialized domestic violence courts. Currently, ten non-profit organizations known as the Partner Abuse Response (P.A.R.) agencies administer court mandated counseling to domestic violence offenders. In addition, the entire specialized domestic violence court process is coordinated by a grassroots feminist organization known as the Coalition Against Violence (C.A.V.).

Along with the institutionalized participation of grassroots organizations in the justice system, another notable feature of Toronto’s efforts to govern gender violence is the city’s extensive sector of immigrant serving organizations actively involved in responding to the

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1 All names of community organizations, individuals and court-houses in the dissertation are pseudonyms.
problem on the outskirts of the legal system. Toronto’s field of immigrant service organizations is vast and diverse. Over 100 agencies currently operate as women’s organizations, family support services, and settlement agencies to provide anti-violence services to offenders and victims of gender violence. These organizations receive funding from the federal and provincial governments to offer an array of supports, including, interpretation and translation assistance, court support, therapeutic counseling, and help with navigating the criminal justice, family law and immigration systems. In so doing, they serve as important mediators between newcomers and official state and legal systems. The service providers based in immigrant service organizations can also be seen as key “middle modernizers” in efforts to transform newcomers into citizens (Rabinow: 1989; Ong: 2003). As the local experts on gender violence and immigration, they essentially provide newcomers experiencing difficulties with advice on how to manage their lives, families, and relationships, and improve their overall quality of life.

Toronto’s field of immigrant service providers is structured by the logic of ethno-specificity, or the idea that newcomers are best assisted by experts who share their linguistic, national or cultural backgrounds. Although this might be the obvious way of delivering assistance to newcomers, the ethno-specific intervention represents a departure from how immigrant services were delivered in the past. Up until the 1950’s, white, Canadian born volunteers were largely at the forefront of transforming migrants into citizens, and in responding to violence in the immigrant home (Iacovetta: 2006). This changed in the 1970’s when ethno-specific, immigrant serving organizations emerged as key mechanisms for the provision of settlement and anti-violence supports. Thus, in addition to empirically examining how immigrant service providers perform their middle modernizing roles, the focus on the ethno-specific immigrant intervention also enables a consideration of how ethno-racial identity evolved into a key terrain for governing immigrant communities in Toronto.
Immigration, Gender Violence and Modernity

Toronto’s sector of non-profit immigrant organizations involved in the provision of anti-violence services offers opportunities to explore the governance of gender violence in relation to questions of liberalism and modernity, rather than just as a criminological phenomenon. As referenced earlier, post-colonial feminism offers important insights into the links between liberal projects of modernity and managing violence against women within the homes of the “other,” a phenomenon scholars such as Chaterjee (1993) refer to as the “Woman Question.” Within these contexts, the treatment of women, and the management of male violence in particular, is constituted as a barometer of national health, deployed to signify the progress and modernity of the West in relation to the non-West. While Chaterjee considers the “Woman Question” historically, within Colonial India during the building of the British Empire, post-colonial theory elucidates the persistence of these colonial logics in contemporary times.

Within Western receiving countries, contemporary anxieties around violence against women in non-Western immigrant communities are palpable. In the Canadian context, they surface predominately as fears that the “others” will import their “barbaric” and “pre-modern” cultural practices with them when they migrate. Consider the following warning to immigrants seeking Canadian citizenship in the 2010 edition of Citizenship and Immigration Canada’s (CIC) study guide. Written in red, on the top of the page, under the heading “The Equality of Women and Men,” the guide reminds applicants that:

In Canada, men and women are equal under the law. Canada’s openness and generosity do not extend to barbaric cultural practices that tolerate spousal abuse, “honour killings,” female genital mutilation or other gender-based violence. Those guilty of these crimes are severely punished under Canada’s criminal laws (Citizenship and Immigration: 2009, 9).
Within the Western liberal imaginary, violence within the immigrant home is not considered to be just like any other incident of violence against women in Canadian society. Rather, it is symbolically constituted as a threat to the nation and a symptom of “backwards” cultural practices. The act of addressing the problem is thus akin to modernizing the “other.” In analyzing immigrant voluntary organizations and relations in which immigrants govern other immigrants, my research examines how modernization transpires when the modernizers themselves are theoretically scripted as the “others” to the nation.

Along with an interest in examining the links between modernity and the governance of gender violence, immigrant community organizations are also particularly relevant to Toronto’s specialized domestic violence court process. Currently, over half of the organizations involved in the provision of P.A.R. counseling to court mandated offenders operate as immigrant settlement and immigrant women’s agencies outside of the courts. In noting the disproportionate involvement of immigrant organizations in this specialized legal initiative, however, it is important to emphasize right from the start that the courts did not evolve as a state effort to target immigrant communities, or result from a panic over the violence of the “other.” While media panics did ripen the climate for legal reform in the late 1990’s, the anxieties that led to the implementation of the courts stemmed from far more general concerns over the abilities of the criminal justice system to ensure the safety of victims of domestic abuse. Recently, the climate has undoubtedly shifted, as is evidenced by the quote in the CIC Citizenship study guide referenced above, as well as the deliberations amongst the Conservative federal government

2 Chapter four provides more detail on the various identities of these agencies and their general mandates.
3 Chapter three describes the context in which the courts emerged in detail.
regarding the potential addition of the crime of “honour killing” to the criminal code. However, in relation to the advent of the specialized domestic violence courts, the fusion of immigrant philanthropic organizations with the criminal justice system was predominately a function of their active involvement with the C.A.V. and in grassroots feminist organizing more generally.

### Research Themes and Trajectories

Through focusing on grassroots and criminal justice partnerships, as well as Toronto’s sector of immigrant community agencies, the overall objective of this project is to provide an empirical analysis of how voluntary organizations perform the state’s work of prosecuting domestic violence, punishing offenders and building citizens. In so doing, I draw from the insights of post-colonial feminist thought, critical socio-legal studies and governmentality scholarship to address three broad themes: the intersections of punishment and philanthropy; the construction of immigrant anti-violence counselors as the “others of the others;” and the everyday, micro-relations between the non-profit actors, provincial government representatives and legal professionals that fuel and comprise the specialized domestic violence court process.

Before delving into the project, relevant literatures and methodology in more detail, I will begin with an autobiographical story of my own trajectory from the front lines of feminist legal reform to this dissertation. Between the years of 1999 to 2001, I worked for C.A.V., the aforementioned feminist grassroots organization largely responsible for implementing the specialized domestic violence courts, as one of the agency’s first Partner Abuse Response

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4 In July of 2010, Rona Ambrose, federal minister for the Status of Women, discussed this potential amendment to the criminal code during a press conference in Toronto. The conference was held in response the murder of Aqsa Parvez, who was killed by her brother and husband for allegedly disobeying her family’s cultural norms. In a 2008 Toronto Life special issue on the “Immigrant Experience,” the magazine described the incident as “Toronto’s first honour killing.” Chapter four discusses the incident in more detail.
(P.A.R.) Coordinators. At the time, the organization had just begun its partnership with the provincial government to oversee and expand the specialized domestic violence courts throughout the city. In addition to an array of administrative responsibilities involving the intake and referral of offenders mandated to attend P.A.R. counseling programs, the program development responsibilities for the position involved training criminal justice professionals for their roles in the specialized prosecution process. As a figure in a moment where C.A.V. exerted significant influence over the newly developed courts, I was —and in some ways, still am—part of the story, process and networks I analyze to derive insights on the state-civil society relations that form the subject of this research.

The purpose of this autobiographical narrative is thus two-fold: methodologically, it details my position as an insider to my research and the significance of memory as a source of data for my project; and theoretically, it provides an empirical basis for my gravitation towards scholarly critiques of liberalism, particularly post-colonial and Foucauldian perspectives. The shifts in my own legal consciousness from an eager participant in feminist legal reform to ultimately questioning the law’s promise of justice for abused women personalized these critiques. In other words, I am certain they made more sense to me given my professional involvement in —and subsequent disappointment with —an initiative which involved relying on the law as an instrument to achieve social justice.

**Searching for Power in a Dream of Feminist Revolution**

What did using the law as a tool to achieve social justice involve? Prior to working with C.A.V., I never really thought much about what “changing the system” actually entailed. My imaginings of the process were purely abstract, shaped by my interest in feminism and the law,
and a liberal feminist faith in the law’s promise of justice. While I was well aware of post-structural legal scholarship, and particularly, Carol Smart’s (1989) cautions against relying on the law as a solution to violence against women, I remained skeptical. In the “real world,” I rationalized at the time, ensuring justice for victims of male violence and changing social norms could not be accomplished without the law. Though I had little clue about the details of the process, it did not matter. The sum was far more than the parts, and I truly imagined myself as an integral cog in a feminist legal initiative that would ultimately result in widespread social change.

Delusions of grandeur aside, another factor contributing to my excitement in working with C.A.V. had much to do with the fact that the position required and depended on my presence in the domestic violence plea courts as the referral coordinator for offenders mandated to attend a counseling program. As an avid and somewhat obsessive fan of Law & Order in high school, I was fascinated by the criminal justice system and eager to observe how the courts operated in real life. Although I understood the distinctions between plea and trial courts, the latter of which is generally the subject court room drama, interacting with law breakers as an integral part of the prosecution process—a terrain I had only formerly experienced as fiction—left me both nervous and excited.

Disappointment was clearly in my cards. My four years of working in the system—the first two as C.A.V.’s P.A.R. Coordinator and the second two as a front line, court based, victim support worker—not only left me disenchanted with the law as a means to ensure justice for abused women; along with my loss of faith, I was literally bored to tears. Legal reform, and more generally, the daily reality of producing law and order, is mundane work, a finding well documented in several of the “bottom up” law and society studies documenting the production
of law (Calavita: 2010; Merry; 1990; Ewick and Silbey: 1998; Yngvesson: 1994) and in criminology scholarship, particularly the literature on policing (Ericson: 1982; Ericson: 1993).

While at C.A.V., my typical work day, even on those days when I was in the courts, entailed a slew of mind-numbing, administrative responsibilities that bore little resemblance to depictions of crime fighting in television dramas. Generally, my average day involved faxing the intake and referral forms for offenders registered in counseling programs to the appropriate agencies; inputting these forms into C.A.V.’s database; creating files for each newly registered offender; preparing paperwork for offenders returning to court for sentencing, a ritual that entailed a series of reminder phone calls to counselors to ensure the timely submission of completion reports, several trips to the fax machine while waiting for these reports, and then a lengthy stint at the photocopier when they eventually arrived; and an array of additional administrative duties, generally for the purposes of coordinating monthly meeting with P.A.R. counselors and key players in the specialized courts. While there were moments when I did have the opportunity to engage in more stimulating program development projects given my direct access to the courts, on the whole, the everyday realities of my life at C.A.V. in no way resembled my fantasies of a feminist revolution.

The advocacy responsibilities associated with my position, while initially compelling, also evolved into frustrating work, as it eventually dawned on me that I could not locate a specific cause for the law’s failure to ensure justice to abused women. When I first began my job with C.A.V., I assumed that the barriers abused women confronted in the criminal justice system were largely a consequence of ideology. Specifically, I attributed the problem to a slew of sexist police, judges, crown prosecutors and probation officers, desperately in need of feminist consciousness raising. The inabilities of criminal justice decision makers to recognize the power dynamics in domestic violence cases, I thought, led to their neglectful and lackadaisical handling
of domestic violence cases. At the time, in late 1999, the civil courts had just ruled in favor of Jane Doe, a feminist advocate who successfully sued the Metropolitan Toronto Police Force for negligence and for violating the Canadian Charter of Rights and Freedom’s clause on gender discrimination for using her and several other women as “bait” in a case involving a serial rapist (Doe: 2004).\(^5\) I thus drew my assumptions of systemic neglect and disregard for violence against women cases from actual and contemporary events, in addition to the various books I had read in the handful of Gender and Crime courses taken throughout my undergraduate and graduate careers.

However, I soon learned that my diagnosis of the system, law and the state as anti-feminist did not entirely capture the reality and scope of the problem. The crown prosecutors I worked with were more often than not firmly committed to exploring alternative means for prosecuting domestic violence cases, particularly if the interventions involved addressing the concerns of victims resistant to pursuing charges and testifying against their partners. Much to my surprise, they generally espoused the feminist principles and ideologies I assumed to be missing from their perspectives. Overall, the majority were firmly dedicated to reforming the prosecution of domestic violence cases and making the process more receptive to the concerns of abused women. My interactions with other criminal justice representatives also left me questioning my initial assumptions. In the course of training probation officers, for instance, I learned that the vast majority were genuinely committed to improving their relationships with the counseling agencies and other sectors of the criminal justice system for the larger purpose

\(^5\) The Jane Doe case is a landmark, precedent setting case, as it represents the first instance where a citizen could hold the police legally responsible for their actions and behavior during investigations.
of ensuring victim safety. However, given their enormous caseloads, many struggled to fulfill the best practice responsibilities assigned to them as part of the specialized court process.

Finally, although relations between the Toronto Police Services and C.A.V. were often fraught, when I joined the organization at the end of 1999, the neglectful policing of domestic violence cases was not a systemic reality. Surprisingly, I discovered the total opposite to be true: the problems victims encountered in the system largely stemmed from the over policing of incidents, not their under policing. Shortly after I began my position with C.A.V., the police chief at the time, issued a routine order to all divisions directing officer compliance with the mandatory charge policy, an intervention which effectively removed both police and victim discretion in decisions to lay charges in domestic violence cases. Although the policy had been in effect since the early 1980’s, the directive reinforced the practice, which in turn triggered a spike in dual arrest cases and overall, more victims becoming entangled within the criminal justice system unknowingly.

My insight into the complexities of the law’s inability to achieve justice for domestic violence victims further deepened when I left C.A.V. and worked as a frontline victim assistance support provider in the courts. It was in this capacity that the prosecutorial dilemmas from both the victim’s and prosecutor’s perspectives formed my everyday reality. About ninety percent of the victims I “assisted” loathed me for very good reasons. None of them knew that when they called the police, they would have no say in whether charges would be laid or not; nor were they aware that once the police charged their partners, the charges could not be withdrawn. On top of this, the routine “no contact” bail condition, which prevented any communication or interaction between an accused and victim, was another (to put it mildly) unpleasant systemic surprise. In nine out of ten cases, the sudden removal of abusers from the household, which
victims were rarely if ever prepared for, left abused women in total emotional and financial crises. As the primary point of contact for victims immediately after an arrest – that is, if the police actually referred them to the program, a directive many failed to follow on a routine basis – the stream of questions I became accustomed to included: How am I supposed to pay my rent or mortgage when I rely on my partner’s income for half of our payments?; I work full time and my husband usually picks the kids up from school, so what should I do in the meantime?; My children want to see their father; where is he?; And (with an interpreter’s assistance), I cannot speak English, my husband and I are applying as refugees for legal status in Canada, and I have no family or friends in this country that I can rely on for assistance with money or childcare. Where do I go and will this incident impact our immigration applications? Rarely, did I have answers; nor did the system allow me or my co-workers to intervene beyond the provision of referrals to for social assistance, or community organizations for more extensive support. As support workers, rather than “real” counselors, we operated under strict government directives that insisted we refrain from providing extensive or ongoing emotional support.

After four years of working in legal reform as an enforcer of zero tolerance approaches to domestic violence, feminist inspired reforms that I initially supported before my frontline experiences as a victim support worker,⁶ I realized that the injustices victims of violence confronted in the system could not be reduced to sexism on the part of criminal justice professionals. Ironically, the problems predominately stemmed from policies developed to actually help them. The ultimate effect was a legal system that transferred the power from abusers to the police and courts. Theoretically, at least, this was the case. Following several,

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⁶ For a comprehensive discussion of the zero tolerance policies on domestic violence, the feminist activism that led to their institutionalization and a critique of these policies, see Hilton (1988), Jaffe et al (1993), and Martin and Mosher (1995).
behind the scenes interactions with crown prosecutors, I realized that had no say when faced with pleas to drop charges. Although technically, prosecutors were the only ones in the system entrusted with the ability to withdraw charges, the risk of an inquest generally nullified their autonomy. Observing the situation from the top down, I theorized into existence a concrete oppressor. But, once mired in both the system and the grassroots, when looking at the problem from the “bottom up,” I struggled to locate power and the sources of injustice for abused women.

**Governing the Abusive Man: P.A.R. Counseling and “Anti Oppressive” Punishment**

Whereas virtually no one involved in the administration of the specialized domestic violence courts exercised much autonomy with regards to the fate of victims, when it came to managing the lives of offenders, all of us, particularly those of us at the grassroots, exerted considerable influence. As is typical in most “problem solving” initiatives, within Toronto’s specialized domestic violence courts, the prosecution process relies heavily on the expertise and participation of actors outside of the criminal justice system to “cure” offenders. As noted earlier, several Toronto-based, grassroots organizations contract with the provincial government to provide domestic violence or Partner Abuse Response (P.A.R.) counseling for court mandated offenders.

Unlike many of the specialized domestic violence courts throughout Canada, however, the influence of community based actors in the Toronto courts radiated well beyond the counselor-client relationship. Prior to the implementation of the courts, several of the community organizations that eventually evolved into the state’s official P.A.R. providers
worked conjointly to develop standards and guidelines for batterer’s programs administered throughout the city. When the M.A.G. implemented the court process in Toronto in the mid 1990’s, it adopted these standards as the guidelines for the court counseling programs throughout the province. These regulations are foundational to the governance of the domestic violence offender. The knowledges and practices of non-state entities were thus firmly intertwined with the infrastructure of the court process.

Along with the influence of the P.A.R. organizations, as one of C.A.V.’s first and primary P.A.R. Coordinators, I also somewhat unexpectedly became a key force in defining the conditions of punishment for offenders. In addition to my intake and referral responsibilities in the plea courts, a key element of my job involved performing as a court “watchdog” to ensure the smooth and coordinated operation of the specialized prosecution process. Training and supporting the court staff, particularly the crown prosecutors in the newly implemented plea courts was central to this responsibility. Despite directives aimed to circumscribe my involvement in official proceedings, in the course of fulfilling my responsibilities, I eventually became more heavily incorporated in the prosecution process. For instance, after noticing crown prosecutors struggling to articulate the recommended bail conditions as suggested by C.A.V., I drafted a bail condition template to facilitate the process. Almost a decade later, as I observed during various sessions of court observations, the courts still rely on the document. In addition, the role of the P.A.R. coordinator has shifted in such a way that it is currently far more legal than administrative. Thus, when it came to governing offenders, multiple actors, both within and outside the state, exercised a considerable degree of discretion and authority.7

7 Chapter 3 and 5 discuss this subject in detail.
As a hopeful believer in the transformative potential of the specialized courts at the time, the counseling programs offenders attended as a condition of their bail and probation orders was for me the most promising element of the project. While I understood that the counseling programs were in fact punishment, mandating offenders to attend programs administered by the non-profit sector still seemed far more beneficial than doing nothing at all, and far less coercive than a criminal record or jail time. The P.A.R. agencies also positioned themselves and their programs as explicitly anti-oppressive. Clearly, the notion of anti-oppressive, punitive counseling is ripe with contradictions. However, it was far easier to overlook this paradox when the authorities administering punishment were philanthropic entities, rather than agents of the state. For all but one of the ten organizations, court mandated counseling comprises only a tiny fraction of the services these agencies offer. While their mandates vary, the vast majority operate full time as either immigrant women’s agencies or settlement organizations. In addition, as the non-profit actors in this particular criminal justice-community partnership, all of us –C.A.V. included –saw ourselves as critics of power and in many ways, not having any at all. It was the government and the state that had the monopoly on power, not us. This imagining was firmly intertwined with our organizational identities as politically left wing, non-governmental organizations.

On top of all this, the actual counseling curriculums offenders were subject to were designed to be progressive. Toronto’s P.A.R. counseling is based on a framework known as the Duluth model, an intervention developed in the early 1980’s by a group of feminist activists and social workers. As education, rather than therapy, the model emphasizes the social and structural supports for men’s violence. Along with highlighting the links between violence against women and patriarchy, the program also urges practitioners to acknowledge and consider marginalized masculinities. Thus, although the overall project did advocate using the
law in a punitive capacity to ensure offenders learned their lessons, developing counseling programs that considered oppressed masculinities was also a guiding principle.

The Genesis of the Dissertation

After my four years of working in the criminal justice system and almost a lifetime of activism in the anti-violence movement, truth be told, violence against women was the last topic I wanted to research. However, upon returning to graduate school, I realized I was well positioned to develop an empirical analysis of the governance of domestic violence which focused on the micro-relations between grassroots actors, government bureaucrats and legal professionals which together manifest as state power. In addition, my behind the scenes work with C.A.V. was not only data in itself; my experiences also influenced my theoretical and methodological approach to analyzing state-civil society relations. Specifically, prior to my professional involvement in the legal system as a feminist reformer, my theoretical understanding of “the state” was far more Marxist in the sense that I assumed it to be a unitary, monolithic and concrete entity. After my immersion in the everyday, contradictory and messy relations that formed state power, my perspective shifted. The “state” no longer appeared so unified and machine-like. My insider experiences thus inform how I theorize state processes in my project and also led me to question frameworks that assume the “state” and “civil society” operated as distinct binaries.

Access was another factor that steered my return to the subject matter of my research. As C.A.V’s P.A.R. Coordinator, I co-managed all ten of the grassroots organizations delivering P.A.R. domestic violence counseling through the courts. In so doing, I developed close working relationships with many of the counselors running batterer’s groups. My existing networks
encouraged me to develop an empirically driven, Foucauldian project dedicated to examining the deployment of anti-oppressive knowledges to create “humane” and “enlightened” penal regimes. Along with charting the institutionalization of the Duluth’s anti-racist, feminist framework for re-educating abusers, I recognized the possibility and potential of creating a project which focused on how philanthropic punishers as subsidiary authorities “fragment the legal power to punish” (Foucault: 1977, 21).

Finally, given that the majority of P.A.R. organizations operated as immigrant community organizations, I viewed my existing connections as an opportunity to empirically explore questions of modernity in addition to those of governance and law and order. Beginning with P.A.R. providers at immigrant organizations and later expanding my sample to include agencies that worked outside of the criminal justice system, I was able to design a project which focused on immigrant service providers enlisted with the responsibilities of transforming immigrant victims and abusers into “respectable” citizens. In analyzing the roles of non-state actors and the voluntary sector in the prosecution and punishment of domestic violence and in citizen building, my project contributes to governance scholarship on crime control trends and post-colonial feminist literature on the law, liberalism and the violence of the “other.” I will address each of these research contributions and provide a discussion of these literatures below.

**Governance Scholarship: Theorizing the Criminal Justice and Community Partnership**

Empirical accounts of how the non-profit sector participates in projects to maintain law and order are generally lacking in the field of criminology. The topic has been under researched,
given the more or less exclusive focus on traditional criminal justice actors and institutions, such as the police, courts, and prisons. To date, largely in response to the proliferation of criminal justice and community partnerships over the past three decades, only governance scholarship has begun to analyze the role of civil society in efforts to control and prevent crime. Overall, this work offers important insight into the relationships between wider shifts in political rationalities, state processes and penal trends. However, while theoretically insightful, this literature tends to be empirically anemic. With the exception of Crawford’s (2003) analysis of the local governance of crime, few examine the relations, conflicts and negotiations between non-state actors and state representatives that form the day to day work of criminal justice and community partnerships. Consequently, we have little insight into how non-profit and voluntary entities administer the work of the state.

To date, David Garland (1996) offers the most well known thesis of civil society-state relations in efforts to control crime. In the “Limits of the Sovereign State,” he sketches out a general theory of state power increasingly in need of non-state entities to maintain law and order. Garland associates trends in governance involving the devolution of crime control responsibilities with neo-liberalism, conceptualizing the practice as a part of a larger state strategy to govern at a distance. He expands on these preliminary insights in the Culture of Control, providing more historical context on the strategy with reference to crime control trends before and after the advent of penal modernism in the eighteenth and nineteenth centuries (Garland: 2001). As a governing practice, the ideology of penal modernism constitutes crime as a problem best managed by specialist state institutions (Garland: 2001, 34). Prior to its emergence, criminal justice institutions regularly worked with civil society for preventing and controlling crime. The advent of penal modernism coincided with the emergence of penal
welfarism. As a result, the state’s monopoly on “reform as well as repression, care as well as control,” and “welfare as well as punishment” solidified (Garland: 2001, 39).

Garland understands the gradual unraveling of the state monopoly on crime control in recent years and the return to incorporating civil society in efforts to fight crime as a right wing, neo-liberal political trend. Specifically, he cites several intertwining factors, including: attacks on the discourse of correctionalism from both the Right and Left, the political rationalities of neo-liberalism solidified under the regimes of Regan and Thatcher, a surge in a neo-conservative emphasis on discipline and “values,” the development of fear of crime as an organizing social principle, and a general loss of faith in the criminal justice system to manage crime. In the wake of these events, criminal justice alliances with individual citizens, community organizations and other private entities to ensure law and order developed into a trend.

Garland also characterizes the criminal justice-community partnership as a state sponsored effort, one that ultimately extends its power despite the sharing of responsibilities. He describes this process as a “responsibilization strategy.” In contrast to the days before penal modernism, when civil society regularly participated in initiatives to fight crime, contemporary interventions require state sponsored efforts to initiate the development of partnerships. The formation of alliances and the redistribution of tasks would require “techniques of persuasion” to challenge assumptions of the state as the sole authority responsible for crime prevention (Garland: 2001, 125). In his own words:

The state’s new strategy is not to command and control, but rather, to persuade and align, to organize, to ensure that other actors play their part...They must be persuaded to exert their informal powers of social control, and if necessary, to modify their usual practices, in order to help reduce criminal opportunities and enhance crime control (Garland: 2001, 126).
Ultimately, according to Garland, non-state actors in contemporary criminal justice and community partnerships largely follow and forward the agendas of the state. The “state” is assumed possess the power in the relationship, while the community plays a supporting role.

By drawing attention to and empirically examining the role of non-state actors in the criminal justice-community partnerships fueling Toronto’s specialized domestic violence court process, my research aims to contribute a far less state-centric account of the phenomenon. Existing analyses provide us with very little understanding of what civil society-state partnerships actually entail, given their largely theoretical focus. This tendency to examine the evolution of local partnerships from the top down, and exclusively at the level of political rationalities, neglects the conflicts, negotiations and alliances between state and community based actors that form the everyday realities of governing crime. In addition, it overlooks how non-state actors dictate the course of state power. Through providing a genealogy of the criminal justice and community partnership that eventually evolved into the specialized domestic violence courts, I show how grassroots feminist organizations created the infrastructure for the prosecution process. In addition, by focusing on the delivery of punishment from the perspectives of the voluntary organizations, my work demonstrates that these agencies possess their own mandates, habits, practices and forms of capital that do not just vanish when they administer their state responsibilities.

The Death of the Social, the Decline of Rehabilitation and the New Punitiveness

Along with offering an empirical analysis of the community-criminal justice partnership, my research contributes to governance scholarship through considering the knowledges,
strategies, and techniques that have evolved to manage the domestic violence offenders. Governance literature tends to suffer from a preoccupation with crime-on-the-streets, the unpredictable, “stranger danger” offenses that all of us risk and fear on some level once we leave our homes and enter the realm of the unknown. These public crimes are what most scholars in the field take as a starting point when generating claims of crime control trends and theorizing their relationships to larger political rationalities. Through focusing on the penal regimes that have evolved to govern the domestic violence offender and abuse within the home, my project aims to re-assess and contribute to prevailing theorizations of crime control trends as discussed in this body of work. Before discussing these contributions, I will first summarize the general claims in the field regarding recent trends in the governance of crime.

Although there is little agreement amongst scholars about how to characterize contemporary penal landscapes, two common and interrelated claims are that the “social” is no longer relevant for the governance of crime (Rose: 1996a), and that rehabilitation is more or less dead (Feely and Simon: 1992; Garland: 2001), or in many ways, just a ritualistic façade (Waquant: 2010). The idea of the “social” refers to a particular way of thinking about and acting on problems that emerged in the early twentieth century, which rendered them transformable through knowledges and interventions. In relation to penal governance, the “social style of reasoning” constitutes crime as having a “social cause” and “social solution.” The approaches taken to manage it entailed placing crimes in their social contexts, tracing their roots and dealing with them through the “most appropriate social means, such as social counseling and case-work, social provision, or social reform” (Garland: 2001, 188). The social thus played a significant role in the development of the penal welfare state and the evolution of programs aimed to correct and rehabilitate offenders, who were pathologized as “curable” with the appropriate exposure to discipline and therapy. As a governing abstraction, the concept goes
hand in hand with welfarist interventions aimed to help and change offenders, who are assumed to be subjects of need.

Both Rose (1996a) and Garland (1996; 2001) link the decline of the social—and by extension rehabilitation—to a larger “destatization of government” occurring as a result of neo-liberal political rationalities, which aim to chip away at an assumed “culture of dependency” instilled via decades of welfarist interventions (Rose: 1996a, 56). According to this thesis, the state is receding in the lives of all citizens, not just in those of offenders, and in all facets of life. At the heart of this shift is a change in how political power constructs citizens, who are now constituted as “subjects of choice” within neo-liberal regimes, rather than as welfarist “subjects of need” (Rose: 1996b). As rational actors in a post-civil rights society in full possession of equality, freedom and rights, political power now considers all citizens as fully capable of pursuing their “their own civility, well-being and advancement” (Rose: 1999, 40). Thus, no longer is governance aimed at the abstraction of a social or the notion of the “welfare of the people.” The target of governance is now the individual, her choices and her freedom.

Governance scholars identify several trends in crime control that map directly on to the shift from welfarism to neo-liberalism, which, they claim, has triggered the death of the social and the emergence of the citizen as a subject of choice. According to Simon and Feely (1992), replacing rehabilitation is a “New Penology,” which is far more concerned with managing crime, rather than treating it. Under this new regime, offenders are no longer considered to be in need of guidance, rehabilitation and reintegration. Rather, as subjects of choice, the criminal is not only rational, but dangerous. With the evolution of the offender into a dangerous criminal, security, rather than social health, is now the overall concern for criminal justice. The objective of contemporary penal strategies is to thus contain offenders, rather than cure them. In
managing deviance, rather than treating it, the arsenal of current penal regimes includes an array of actuarial techniques geared to measure the riskiness of criminals and to then incapacitate them accordingly. According to the New Penology thesis, gone from the penal landscape are the old discourses of “responsibility, fault, moral sensibility, diagnosis, or intervention and treatment of the individual offender.” Rather, contemporary interventions are designed to be “managerial, not transformative” (Feeley and Simon: 1992, 452).

Adding to these insights, Garland (1996) argues that the decline of the “social,” and the growing concern for security, has led to the emergence of the “community” as a key terrain for penal governance. The ultimate purpose of penal efforts to govern crime through community, as is exemplified in the criminal justice-community partnership, is controlling crime, rather than curing it. Specifically, he asserts: “the ‘social’ may be giving way to the ‘community’ as a new territory for the administration of individual and collective existence, a new plan or surface upon which micro-moral relations among persons are conceptualized and administered” (Rose: 1996a, 331). Within this new lens of governing, the community is mobilized to accept responsibility for the security and welfare of their immediate locales, but not necessarily solve the problem of crime (Rose: 1996a, 335).

Although governance scholars offer important theorizations on the shifts in crime trends and the political rationalities associated with them, their insights evolve from a more or less exclusive focus on public violence, rather than the violence behind closed doors. The emphasis on “stranger danger,” violent offences, and property crimes is understandable, given the significance of fear of crime in state efforts to maintain law and order. The image of the offender intertwined with public fear is the unknown, dangerous offender, not the abusive intimate partner. While the former embodies a public risk uncalculable on account of his
anonymity, the latter is only considered a threat to the public on a more abstract level through the legal conflation of “the public” with the victim.

Clearly, within Toronto’s specialized court project, rehabilitation and welfarist rationalities are not dead. To be fair, not all governance scholars agree with this claim of rehabilitation’s demise with the advent of neo-liberalism, and many in recent years have launched critiques questioning this tendency towards grand theorizing (O’Malley: 1999; Moore: 2007). In addition, scholars such as Moore (2007) present extensive empirical accounts of the persistence of welfarist techniques in penal projects of change, and the ways in which they easily mix with neo-liberal conceptions of criminals as subjects of choice. For instance, in her discussion of the drug courts, Moore argues that the use of cognitive behavioral therapy (C.B.T.) deployed in rehabilitative regimes to cure the drug offender ultimately reinforces the construction of the addict as subject of choice. Through individualizing the causes of drug addiction and conceptualizing addiction as a personal choice, or a product of weak will, this rehabilitative approach is ultimately detached from the social. The synergistic combination of C.B.T. and neo-liberal logics, she argues, produces a narrative of the addict as “an addict because she chose to use drugs, not because she was sexually abused as a child, grew up poor, or has a learning disability” (Moore: 2007, 49).

In contrast to efforts to reform the addict, within Toronto’s penal project to change the domestic violence offender, both rehabilitation and the social are alive and well. As noted earlier, all of Toronto’s P.A.R. providers are required to deploy a specific curriculum of domestic violence counseling for court mandated offenders known as the Duluth model, which emphasizes the social causes of male violence. Thus, Toronto’s specialized domestic violence court project represents an instance where abusers are governed through both the community
and the social. Through empirically analyzing what these abstractions entail and how community-based punishers manage the domestic violence offender, my project aims to contribute to discussions of crime trends in governance scholarship and to expand its focus to consider the techniques and political rationalities designed to govern violence in the home, not only violence on the streets.

**Mediating and Modernizing: Gatekeeping in an Immigrant City**

Along with providing an empirical examination of the governance domestic violence through community within the context of the specialized domestic violence courts, my project also analyzes the role of immigrant community organizations in building citizens and empowering abused immigrant women. As noted earlier, applying a post-colonial feminist lens to interventions designed to manage the violence of the “other” within the context of the Western liberal democratic regime illuminates their symbolic significance to the project of modernity. Contemporary discourses on violence against women highlight the ongoing persistence of colonial logics, which rely on scripts of modernity and civility to engender difference between the West and non-West; that diasporic subjects have “cultures,” which “make” non-Western immigrant men more violent and patriarchal, and immigrant women more submissive and susceptible to violence than Western subjects is a taken for granted, xenophobic assumption that litters mainstream media’s accounts of the problem and continues to materialize in official state discourses. Analyzing Toronto’s field of ethno-specific, immigrant organizations involved in managing the problem of male violence within this political context raises the question of how the project to modernize unfurls when technically the modernizers are also the “others.”
To date, most existing accounts on the actors involved in translating liberal concepts to “the others,” and on the violence of the law in the process more generally, focus on the movement of these ideas from the West to the East. Historical accounts in particular reveal how European and British colonizers deployed the law to perform modernity and accomplish colonial projects in India, Africa and the Pacific. In so doing, several highlight the integral role of colonized elites in implementing colonial regimes and in transforming their own into “respectable” citizens (Merry: 2000; Shamir and Hacker: 2001; Cohn: 1996; Fitzpatrick and Darian-Smith: 1999). Contemporary examinations maintain this focus on the procession and translation of Western legal norms from the West to the East, particularly within the context of the human rights movement. For instance, Merry (2006a; 2006b) examines the “interface between global and local activism,” with a specific focus on the intermediaries involved in appropriating, translating and remaking the language of human rights into the vernaculars of local communities (Merry: 2006a, 3). Her specific interest lies in how ideas of violence against women as human rights violations are produced within global United Nations conferences, and then repackaged by transnational mediators to ensure they resonate with local sensibilities in other parts of the world, such as China, Fiji, and India. Several others explore similar trajectories of human rights norms from the West to the East within the context of Africa, Mexico, South America and Papa New Guinea (Goodale: 2002; Nyamu-Musembi: 2002; Abdullah: 2002; Speed and Collier: 2000; Strathern: 2004; Massoud: 2011).

In documenting this trajectory of the flow of global legal ideas to local communities in the East, Merry (2006b) elucidates the specific processes involved in packaging and selling human rights norms. She draws attention to the importance of two practices in particular, namely, “indigenization” and “vernacularization” in ensuring human rights ideas make sense to communities unfamiliar with the concepts (Merry: 2006b, 39). She asserts that the process
entails creating a synergy between local cultural material, particularly symbols of women’s empowerment, and global legal norms. In order to achieve this, intermediaries must possess a familiarity with the “cultural worlds of transnational modernity” and those of “local claimants” (Merry: 2006a, 3). Merry’s analysis raises interesting questions in relation to the cultural material Toronto based, immigrant gatekeepers deploy to communicate ideas of women’s empowerment and active citizenship to their immigrant clientele. Specifically, how does the translation process work within global diasporic communities where notions of the local and familiar have been disrupted? My project on Toronto’s immigrant mediators examines this question through focusing on how global actors from the East translate local Canadian ideas of about law, liberalism and citizenship to other transnational actors. In so doing, it reverses the well researched trajectory on the procession of ideas about the law, citizenship and women’s empowerment from the West to the East through considering the movement of such concepts from the East to the West.

**Expertise and the Practice of Ethno-specificity**

In examining the re-creation of the local in efforts to contain the violence of the “other,” my project also provides an empirical analysis of the practice of ethno-specificity. The discourse of ethno-specificity assumes that newcomers experiencing violence are best assisted by counselors who speak their language, or share their national or cultural backgrounds. While it is difficult to pinpoint the exact origins of the discourse, a precipitating factor was clearly the post-1965 migration of populations from non-Western countries, which occurred following Immigration Canada’s removal of racist quota systems restricting immigration from these parts of the world. While the first ethno-specific organizations for newcomers premiered in the late 1970’s, the idea that racialized immigrant service providers were experts not just on the strains
of migration, but also on violence against women in their communities flourished in the mid to late 1980’s at the height of the second wave, feminist movement (Siemiaticzki et al.: 2001). As the prevailing story goes, the advent of ethno-specific, anti-violence services stemmed largely from divisions in Toronto’s feminist communities about the practices of existing, mainstream women’s organizations and shelters in the city. Critics of these services pinpointed how liberal feminist assumptions of gender essentialism and a white, Canadian-born, feminine norm permeated the delivery of VAW interventions (Agnew: 1996; Agnew: 1998). Others also delineated the operation of imperial subjectivities and colonial white rescue narratives in the provision of existing services (Martin, Magaly and Barnoff: 2004). In response, anti-racist feminists advocated for culturally specific, VAW services for racialized and immigrant women that considered differential experiences of violence.

Clearly, this grand narrative documenting the advent of Toronto’s ethno-specific, anti-violence sector, which tends to dominate much of the existing literature on the topic, does not consider individual organizational histories. A number of the agencies in this field emerged separately and differently, with some evolving into immigrant and ethno-specific entities as a result of changing neighborhood demographics and others developing for the specific purpose of responding to violence in immigrant communities. In addition, as Sherene Razack (2003) illustrates, at times, ethno-specific, anti-violence interventions may actually end up perpetuating the very same colonial gestures the origin story claims the sector evolved to erase. Razack argues that depending upon how ethno-specific expertise is constituted, interventions developed to address violence in immigrant communities may materialize as “full blown orientalist fantasies,” which “turn on the idea that non-Western cultures are more deeply patriarchal than Western ones” (Razack: 2003, 80). Contradictions emerge when abused immigrant women are conceptualized as victims of their cultures and counselors as the cultural
experts on violence, as opposed to “non-White experts on violence and structural barriers to equality” (Razack: 2003, 98). The casting of Canada as a land of freedom where abused immigrant women may flee their “cultures” and discover their voices further reinforces colonial narratives of Western saviors and the backwards “others.” To thoroughly examine the connections between the logic of ethno-specificity and the expertise of the diasporic gatekeeper, and the ways in which interventions may or may not perpetuate colonial legacies, we need to empirically observe how service providers conceptualize their every day work and perform as authorities in their communities. In so doing, we are also able to hone in on how ideas about the law, women’s empowerment, and citizenship designed to rid the immigrant home of violence are packaged and “sold” to clientele. Finally, if in fact ethno-specific counselors do rely on culturalized narratives of violence as a foundation of their expertise, how do they construct themselves as outside of their own “cultures,” or authentically “de-culturalized?”

**Theories and Methods**

This project combines the insights of postcolonial thought and governance scholarship to examine how philanthropic organizations and actors manage the problem of domestic violence, and the techniques and practices diasporic service providers deploy to transform other newcomers into “respectable” citizens. Both literatures illuminate the mechanics of liberal governance through alerting us to the various abstractions –freedom, modernity, the social and community –integral to projects of maintaining law and order and building citizens. The criminology literature in particular highlights the links between these concepts and larger political rationalities. While insightful, scholars such as Moore (2007), Matthews (2005) and O’Malley (2001) urge us to consider the everyday “messy actualities” of penal initiatives, and to
move away from the level of mentalities in our analyses (O’Malley: 2001). In keeping with this appeal to material reality, my research considers the non-state administrators of punishment and citizen building, and examines the conditions that enabled the formation of civil society-criminal justice alliances in the penal project to change the domestic violence offender.

Methodologically, I draw in part on governmentality scholarship largely as a conceptual tool for theorizing the immigrant, anti-violence organizations that form the subject of my research. Following Cruikshank (1999), I question traditional constructions of the voluntary organization as a purely philanthropic entity. Generally, when we imagine the “grassroots” or “non-governmental organization (NGO),” the most common image brought to our mind is one of an agency that operates either independently of, or in opposition to, the state to provide services for (typically) marginalized subjects experiencing hardship, often due to some form of state neglect or personal hardship. Within this common sense narrative, the non-profit agency is celebrated as a safe space, devoid of power relations and the bureaucratic coldness of state centered services. Its raison d’etre is charitable giving.

Non-profit organizations undoubtedly provide invaluable assistance to communities and individuals in need of affordable services. In this sense, they are in fact purely helping institutions. However, as Cruikshank (1999) points out, the voluntary organization can also be viewed as the archetypical liberal democratic technique of citizenship within political regimes designed to “govern through freedom” (Rose: 1999). More specifically, the defining characteristic of liberal democratic regimes lies in the ways in which political power constitutes the citizen. Unlike totalitarian regimes, where governance operates through imposing overt limitations on individual freedoms, liberalism is “structured by the opposition between freedom and government” and related dichotomies of the public and private (Rose: 1999, 62). This
means that for individuals who pose a problem for governance, but are not criminal—the homeless, the unemployed or in this case, the immigrant—power cannot force their transformation into active or ideal citizens. Instead, liberal governance must work philanthropically by first constituting these subjects as deficient or apathetic in some way, and then developing solutions aimed to “help people help themselves.” In this sense, the non-profit service seeker is thus governed through her freedom. The modes of governance and the relations of power philanthropic organizations deploy exemplify what Cruikshank refers to as “gentle coercion” (Cruikshank: 1999, 5).

In using governmentality to conceptualize the immigrant voluntary organization, my project aims to analyze not the service seekers, but the diasporic service providers and the techniques of gentle coercion they deploy to perform as their roles as “middle modernizers” (Rabinow: 1989; Ong: 2003). Moving the scope away from the clientele and on to the counselor draws attention to the everyday practices, knowledges and forms of capital that the latter deploy to construct themselves as “experts” on violence against women in immigrant communities, and by extension, paragons of respectability and modernity.

**Schemas, Resources and Legal Consciousness**

My project also draws on the theoretical and methodological insights of Ewick and Silbey’s (1998) scholarship on legal consciousness. While there is much debate in the field of socio-legal studies as to what constitutes authentic legal consciousness research and how to examine the concept (Silbey: 2005), Ewick and Silbey’s definition and method are most parallel with the objective of elucidating the forces involved in the maintenance of order, and perpetuating the allure of liberalism. Legal consciousness studies emerged to examine what
socio-legal scholars referred to as the law’s invisible constraint. Specifically, this body of work is concerned with understanding why the law, for the majority of us, does not have to wield power coercively to ensure the obedience of the public. In this sense, legal consciousness studies offer another way of understanding how we are governed through freedom. But, rather than addressing the project at the level of political rationalities, or techniques of governance –both of which are generally the objects of analysis in governmentality research—the legal consciousness project examines individual narratives.

To date, legal consciousness researchers have explored the understandings of law that circulate more generally within daily life and amongst everyday people (Ewick and Silbey: 1998), to specific populations and locales, such as welfare recipients in government offices and disputants in lower courts (Sarat: 1990; Merry: 1990). Some have also investigated the legal consciousness of individuals in relation to particular issues, such as street harassment (Nielsen: 2000) and the American Disabilities Act (Engel and Munger: 2003). More recently, scholars focusing on legal consciousness and transnational legal norms have examined the impact of globalization and the exporting of liberal ideologies on local populations in other parts of the world (Merry: 2005; Engel: 2005). Despite distinctions in methodology, what all these studies hold in common is their concern with the legal consciousness of the “everyday person.” This focus stems from a concerted effort within law and society scholarship to challenge the “law first” perspective and the pre-occupation with legal professionals in legal scholarship (Silbey: 2005; Ewick and Silbey: 1998). While laudable, one consequence of this fetishization of the everyday and ordinary has been the neglect of quasi-legal actors, or “middle modernizers,” from the legal consciousness story. Applying this lens to immigrant gatekeepers who mediate state-civil society relations thus recognizes anti-violence services as important industries in the cultural production of law.
My use of the legal consciousness framework, however, has less to do with filling a research gap, and more to do with deploying a theory and method that steers us away from the positivist impulse to understand the narratives of research subjects as “truth,” or mere opinions. In so doing, it encourages a wider focus on the broader cultural forces that sustain the power of law, or “legality.” The deployment of this framework to examine the legal consciousness of the immigrant gatekeeper thus enables us to conceptualize the interview narrative as something far broader than just an individual perspective. Rather than approaching the stories of research subjects as opinion or truth about the liberal legality, my project explores narratives to gain insight into the cultural signs and symbols that sustain it. Given this objective, the focus on transnational actors performing as middle modernizers is particularly alluring. Observing how immigrant anti-violence advocates package and sell abstractions of modernity, progress and empowerment to other diasporic actors illuminates cultural material potentially unexamined in studies that focus exclusively on the ordinary and average citizen.

Methodology

Toronto provides an ideal research site to explore the mediating work, governing role and legal consciousness of immigrant gatekeepers and cultural translators. Recent statistics indicate that approximately 45.7% of the city’s total population was born outside of Canada (Statistics Canada: 2006). Not surprisingly, the network of non-profit agencies serving diasporic communities in the areas of settlement and domestic violence is extensive. Over a hundred immigrant-serving, voluntary organizations currently operate in the city’s core as well as in the surrounding suburbs.
Recruiting organizations for my project entailed deploying a number of my existing contacts, as well as cold calling organizations listed in Toronto 211, the on-line directory of the city’s non-profit and government social services. In total, I conducted 58 interviews with front line, anti-violence counselors, executive directors, P.A.R. counselors, interpreters and current and former staff members at C.A.V. My sample includes 31 community based organizations in Toronto. The following is a more comprehensive breakdown of my interview sample and the different voluntary and immigrant serving agencies I incorporate into my research.

To derive an analysis of philanthropic punishment and court-mandated counseling programs for abusive men, my research incorporates the insight of representatives from each of the 10 organizations currently involved in the provision of P.A.R. programming for the specialized domestic violence courts. This roster of accredited P.A.R. programs includes several immigrant serving organizations in addition to a neighborhood organization, a hospital, a prisoner’s advocacy agency as well as a full time counseling service provider for domestic violence offenders. In total, I interviewed 15 counselors who work full time running education groups for court mandated offenders.

To gain insight into the development and administration of the specialized domestic violence courts and the civil society-state partnerships that serve as the foundation of the penal project to change the abusive man, I conducted several in-depth, information gathering interviews with current and former directors and coordinators at C.A.V. Through these interviews, I aimed to gather the origin story of the courts, as well as a snap shot of the contemporary issues arising in the everyday administration of the courts. These interviews are a supplement to my own memories and professional experience with implementing the specialized domestic violence prosecution process as C.A.V.’s P.A.R Coordinator. By acquiring a
sense of the events transpiring before and after my involvement, I was able to piece together a more comprehensive account of how relations between C.A.V., the P.A.R organizations and the Ontario government formed, as well the wider social and political context in which they developed. I also interviewed several directors of P.A.R. providing organizations, who helped found C.A.V. and worked with the organization to standardize batterers programs throughout Toronto in the late 1980’s.

In addition, I conducted 24 interviews with executive directors and front line staff who work with abused immigrant women at 21 immigrant organizations throughout the city. A handful of the service providers in my sample also worked in more formal capacities with the criminal justice system as “Partner Contact” representatives for the specialized courts, alongside their more informal work as anti-violence counselors. My sample includes settlement workers, as well as women’s counselors based in immigrant women’s organizations, legal clinics and neighborhood organizations.

As a supplement to my research, I also conducted eight interviews with cultural interpreters certified to provide translation for the provincial courts and two more with the administrators of the mandatory training programs that prospective interpreters attend to obtain accreditation. I draw on these interviews predominately to acquire a sense of the larger field of immigrant non-profit services and their relations to the criminal justice system.

In addition to interviews with immigrant gatekeepers, I also conducted several sessions of court observation between 2007 and 2009 in each of Toronto’s five provincial courthouses. The combination of my court observation, as well as my previous professional experiences working with C.A.V. between the years of 1999 and 2001 has enabled me to observe over hundreds of court appearances. In addition, both allowed me to consider changes in these
courts over time, which enabled a more fluid analysis of the implementation of feminist legal reforms and the criminal-justice community partnership. My court observation focuses exclusively on the Early Intervention (E.I.) specialized plea court model, since this venue offers the most insight into governing networks involving C.A.V. staff, crown prosecutors, defense counsel and offenders. The E.I. court, one of the two models of specialized domestic violence courts currently operating in Toronto, was designed to ensure a quick resolution to domestic violence cases involving first time offenders. Unlike the specialized trial courts, the court is notable due to the considerable influence non-state actors exert on the prosecution process, as well as the significant degree of law making occurring on the outskirts of formal legal proceedings. Some of the most important exchanges and conversations in the prosecution process occur in the hallway during the court’s official recess.

Chapter Summaries

Chapter 2 provides an overview of the field of immigrant community services, charting the emergence of the sector with reference to the array of provincial and federal funding programs aimed to “settle” the immigrant and confront violence against women in diasporic communities. I begin with a discussion of the reforms to Canadian immigration policy, specifically the removal of racist and discriminatory barriers to migration, which transformed Toronto from the “Belfast of Canada,” as it was previously known, to its current incarnation as one of the most multicultural cities in the world (Siemiatycki: 2001, 3). In discussing both changes to immigration policy and the funding of the immigrant service organization, I also examine the advent of the logic of ethno-specificity and the factors that led to the institutionalization of the practice within Toronto’s field of immigrant serving organizations.
Chapter 3 relays the origin story of Toronto’s specialized domestic violence courts, tracing its emergence from the grassroots of 1980’s Duluth, Minnesota, to its eventual implementation in the 1990’s by the Ontario provincial government. The discussion also empirically examines the governance of domestic violence through the community. In so doing, the analysis highlights the significant influence non-state actors exerted in developing the infrastructure for the courts and their continued influence in the everyday administration of the prosecution process. Along with relaying this “bottom up” story of feminist legal reform, the discussion also sheds light on the operation of law behind the scenes in the E.I. court. The chapter reveals how non-state actors operate well beyond their assigned positions in the courts, and their integral roles in defining the prosecution of domestic violence and the conditions of punishment for offenders.

Chapters 4 and 5 switch gears to focus more specifically on the micro-relations between community-based counsellors and their clientele. My key interest in both is the subjectivity of the quasi-legal actor and the practices of self they deploy to perform their expertise. In chapter 4, I examine the everyday lives of immigrant anti-violence counselors who deliver services to abused immigrant women. In so doing, I analyze how service providers derive and conceptualize their expertise on women’s empowerment and active citizenship. Chapter 5 focuses on the voluntary organizations that currently enlist with the provincial government to provide P.A.R. counselling to abusive men court mandated to attend for domestic violence counselling. The discussion examines what transpires when punishment and philanthropy meet, through exploring how P.A.R. counsellors administer and fragment the legal power to punish.
Chapter 2

Mapping the Field of Toronto’s Immigrant Service Organizations: Ethno-specificity, Settlement Services and Anti-Violence Interventions

Toronto is currently home to hundreds of immigrant serving and ethno-specific organizations designed to assist newcomers with the transitions associated with migration and settlement. Even a cursory glance at the city’s landscape reveals how extensive and prominent these organizations are. Advertisements for settlement services plaster bus shelters and subways. Immigrant agencies scatter throughout the city and are not just clustered in the suburbs or other neighborhoods known to be immigrant enclaves. On street corners, it is not uncommon to find stacks of ethno-specific newspapers advertising the services of the city’s multitude of organizations, which include language instruction and job skills workshops for newcomers requiring assistance with adapting to their new homes. Just as widely available are free magazines and guides dedicated exclusively to increasing awareness of the range of immigrant serving organizations throughout Toronto and the province more generally. Along with providing indexes of agencies and synopses of the various services they provide, settlement publications such as Newcomer Magazine also include short articles advising readers on the immigrant experience. Editorials such as “The Importance of Speaking English” and “How to Thrive in a Foreign Culture,” encourage newcomers to seek assistance with integrating in Canadian society to ensure they do not fall into the habit of living “insular lifestyles.” Others, such as “Credibility is the Key for Successful Refugee Claims,” or “Appeals of Refused Spousal Sponsorship Applications,” provide readers with basic legal advice on immigration applications.

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and discuss the typical responses of government bureaucracies to a variety of common immigration problems. The variety, numbers and very visible presence of Toronto’s immigrant service organizations illuminate how intertwined they are with the city’s identity, which prides itself on its diversity. In fact, the City of Toronto’s website—which is equipped with a feature enabling its translation in over 51 different languages—offers a comprehensive “immigration portal” that guides newcomers through the various stages of the immigration process, linking them to essential services before and after their arrival in Toronto.

Ethno-specific, immigrant service organizations are by no means exclusive to Toronto. Both Montreal and Vancouver, Canada’s two other primary gateway cities, also offer newcomers similar assistance with settlement and adaptation. However, in comparison and based on sheer numbers alone, it is clear that the ethno-specific agency is indeed a Toronto trend. Toronto currently has more immigrant serving agencies in operation than both Montreal and Vancouver combined. In relation to other North American and international contexts, it is difficult to assess how Toronto compares. A recent study conducted by Codero-Guzmán (2005) on over 300 immigrant serving organizations in New York City suggests that these agencies are similarly prevalent, and perform just as central a role to the provision of settlement supports to newcomers (Codero-Guzmán: 2005, 8). Also writing within the context of the United States, Ong (2003), Lan (2007) and Rudrappa (2004) each provide ethnographic accounts of the role of Cambodian, Chinese and South Asian ethno-specific agencies in immigrant communities in the Bay Area and Chicago. However, their studies do not provide much detail the sector as a whole

9 This estimate was determined through a search of on-line social service directories as well as provincial immigration website in British Columbia and Quebec, such as B.C.211, Welcome BC http://www.welcomebc.ca/wbc/index.page?WT.svl=Top, and the Immigration et Communautés Culturelles Québec http://www.immigration-quebec.gouv.qc.ca/en/index.html. Both websites accessed on 10/06/2012.
in each of their locales.\textsuperscript{10} Some of the earliest research on ethno-specific immigrant organizations, such as Jenkins’ (1988) comparative study on agencies in the United States, Britain, the Netherlands, Israel and Australia illuminates the critical role these agencies perform in lives of recent immigrants in each of these contexts. More recent examinations of the settlement sector in Australia suggest that immigrant service organizations are increasingly becoming an important tool for the governance of newcomers. In contractual arrangements very similar to the ones Toronto agencies hold with the provincial and federal governments in Canada, since 2006, several Australian immigrant, ethno-specific and faith based organizations have been receiving funding from the Department of Immigration and Citizenship through its federal Settlement Grants Program (SGP) to deliver services to newcomers.

Although the ethno-specific immigrant organization is not a Toronto or Canadian peculiarity, it is a municipal trend and one that is central to the city’s identity. This is largely related to the importance of diversity and multiculturalism to Toronto’s identity more broadly, which is not only performed through the annual cultural festivities, but also manifests in deliberations over municipal policies. For instance, during recent by-law debates on food truck vending, those supporting amendments to Toronto public health’s regulations frequently deployed the city’s diverse demographics and cosmopolitan identity to argue for more variety in the availability of street foods (Valverde: 2008). This contemporary portrait of Toronto, however, is a relatively recent phenomenon. Prior to the 1970’s, immigration from countries outside of Britain, Europe and the United States was restricted, and the city prided itself on its whiteness and homogeneity. The deployment of ethno-specificity within the context of the immigrant settlement organization at this time was also, for the most part, non-existent. Up

\textsuperscript{10} These accounts will be discussed in detail in Chapter 4.
until the 1950’s, settlement services were predominately administered by white, Canadian born volunteers. Although some ethnic agencies operated at this time, most functioned as cultural and recreational associations, rather than social service providers (Iacovetta: 2006). So how did we get from there to here?

The objective of this chapter is to provide a broad overview of the contemporary field of settlement and immigrant serving organizations in Toronto. In so doing, the discussion will address the following questions: How did the “immigrant” come to be seen as a subject in need of governance based on her ethno-racial or national identity? Or, in other words, when and how did the idea of governing immigrants through their ethno-racial identities emerge? In addition, with regards to domestic violence specifically, when did abused immigrant women materialize as subjects in need of culturally sensitive, anti-violence services? Although this chapter is not meant to be a comprehensive genealogy of ethno-specificity as a governing strategy, the discussion will draw attention to some of the key shifts in immigration policy, state funding directives, and political changes which enabled its emergence. The chapter begins with a discussion of immigration patterns to Canada from the late 1960’s to the present, with a specific focus on Toronto. This time period is significant in Canada’s history of immigration policy because it marks the official removal of longstanding racist and discriminatory efforts to preserve the nation’s identity as a white settler society (Stasiulis: 1995). Following this discussion, I will map Toronto’s field of immigrant serving organizations and chart the various funding sources for settlement and anti-violence services. The chapter ends with a discussion of the practice of ethno-specificity, tracing its institutionalization within the field of settlement services, as well as its idealization within the context of anti-violence supports for abused immigrant women.
“The Paris of North America:” Toronto’s Deepening Diversity

Both the realities—and the myths—of Toronto’s diverse and multicultural demographics are well documented. Toronto is undoubtedly the most diverse gateway city in Canada, as well as in North America. With regards to how Toronto compares to Montreal and Vancouver, the other two prime destinations for migrants, from 1996 to 2001, Toronto attracted 43.1 percent of all arrivals, or a total of 415,505 people. Vancouver was the second most popular destination, receiving 17.6 percent or 170,000 of the total number of migrants arriving within this time period. Montreal attracted 11.9 percent or 114,175 of those moving to Canada between these years (Newbold: 2011). In addition, in a now widely cited, 2006 Statistics Canada report, census figures illustrate that close to half of Toronto’s population of 2.5 million was born outside of Canada (Statistics Canada: 2006). In comparison to gateway cities in the United States, Toronto also stands out for its diverse demographics. In the year 2000, for instance, the proportion of immigrants in the general populations of Miami, New York City and Los Angeles were 40 percent, 23 percent and 30 per cent respectively. Similar analyses on Toronto’s demographics reveal that 44 per cent of the city’s total population was born outside of Canada in 2001 (Hou and Bourne: 2004, 9).

However, Toronto’s multicultural landscape is only a relatively recent phenomenon. Up until the late 1960’s, Canadian laws and policies governing migration were blatantly exclusionist, designed to restrict immigration along racial and ethnic characteristics and preserve the “fundamental character of the Canadian population” (Knowles: 1997, 145). The regulations effectively prevented migration from all countries outside of Britain, Northern and Western

11 In the late 1980’s and early 1990’s, word spread that the United Nations had declared Toronto the most diverse city in the world. Since then, the story, specifically the notion that the declaration was even made, has been debunked (Doucet: 2001).
Europe and the United States. Although there were moments where immigration policies were liberalized due to political pressure, appeals to humanity and economic needs, the removal of the White Canada immigration policies did not occur until 1967 following a government White Paper, which aimed to tighten restrictions on family reunification in favor of developing mechanisms for attracting highly skilled and professional applicants (Troper: 2003). The initial impetus to remove racial barriers occurred a few years prior, however, when Ellen Fairclough, the Minister of Citizenship and Immigration at the time, tabled legislation aimed to encourage the migration of financially secure and highly educated applicants, irrespective of ethno-racial and national background, in an attempt to compensate for the country’s progressive “brain drain” to the United States (Knowles: 1997, 155). The creation of the Department of Manpower and Immigration in 1966 was the final event leading to the removal of discriminatory policies. This structural change signaled the federal government’s intention to coordinate labor market needs with immigration policy, which in turn led to a shift in determinations of suitable candidates for immigration. Rather than basing these assessments on how well applicants fit the “character of the Canadian population,” the new initiatives emphasized human capital.

To further enable the dismantling of racist policies, the 1967 Immigration regulations introduced the point system method for determining successful immigration applications. The system was administered to reduce the discretion of individual immigration officers and developed as an attempt to create an objective calculation of the potential for applicants to contribute to Canadian society. The process grades each prospective migrant according to nine different categories, which includes educational background, employment prospects in Canada, age and fluency in English or French. The 1967 policies exerted an immediate impact on Canadian immigration patterns. Whereas 87 percent of immigrants arriving in 1966 were of European descent, by 1970, 50 percent migrated from the West Indies, India, Guyana, Haiti,
Hong Kong and the Philippines (Knowles: 1997, 171). Throughout the 1970’s and 1980’, this diversity further deepened. During this period, the vast majority of immigrants moving to Canada at this time arrived from Africa, Asia, the Caribbean and Latin America. Canada’s signing of the 1967 Geneva Convention on the Status of Refugees also triggered significant changes in the country’s demographics. Between 1970-1975, Canada accepted refugees from three major global crises evolving at the time, which included the exiling of South Asians from Uganda under the Amin regime, the persecution of left wing Chileans by Pinochet, and Indochinese refugees fleeing former Communist regimes (Troper: 2003).

Since the removal of White Canada policies, regulations governing immigration and the refugee determination regimes have undergone various alterations. For the most part, the focal points of these legislative changes – and the debates surrounding them – have been the issues of family sponsorship, shifts in governmental bodies responsible for the costs associated with migration and settlement, and the legal protections to be afforded to refugee claimants residing in Canada during deliberations of their applications. Additional changes included the development of new categories to attract immigrants with material resources, such as the “Business-Class Program,” which was first introduced in 1978 and then amended in 1986 (Troper: 2003). Despite some attempts to derail the removal of racist policies amongst factions of bureaucrats and policy makers, the changes to immigration legislation over the last four decades have not stifled migration from non-Western countries (Knowles: 1997).

The 1967 immigration policies exerted a direct effect on Toronto’s demographics. Whereas in 1971, 6 out of 10 Toronto residents were British in origin, by 1984, according to immigration historian Robert Harney, the city’s budding diversity evolved into its most prominent characteristic (Siemiatycki et al: 2001). Even as early as the mid 1970’s, the city’s
changing demographics were becoming increasingly visible, leading some to characterize it as the “Paris of North America, in terms of cultural mix.”\textsuperscript{12} The momentum at which Toronto’s population has diversified shows little sign of slowing down. Statistics Canada reports (2008) reveal that Toronto alone was the preferred destination for 41 percent of immigrants arriving to the country in 2006 (Statistics Canada: 2008, 56). Finally, statistical projections estimate that by 2013, 78 percent of Toronto’s population will be comprised of racialized immigrants and children of racialized immigrants (Statistics Canada: 2010, 13). Thus, in contrast to the Toronto of the 1970’s—a homogenous, white European bastion preserved through over a century of restrictive and racist immigration policies—Toronto today shows few traces of these early attempts to retain Canada’s original character of the population.

**Immigrant Serving Organizations, Settlement Supports and Anti-Violence Interventions**

Given Toronto’s demographics, the city’s extensive sector of ethno-specific immigrant community organizations is not at all surprising. A recent study identified 238 immigrant service organizations in Toronto in operation as of 2005 with the caveat that many more are likely in existence (Lim et al: 2005). This sector has expanded considerably since its emergence in the mid 1970’s\textsuperscript{13}. For instance, figures show that in 1978, the number of agencies affiliated with the Ontario Council of Agencies Serving Immigrants (OCASI), the primary umbrella organization for all immigrant serving organizations in the province, was 20 (Holder: 2004). Today, OCASI’s

\textsuperscript{12} As quoted in Doucet (1999), who quotes John Wrye, a percussionist for the Toronto Symphony Orchestra and immigrant to Canada who moved to Toronto from Philadelphia.

\textsuperscript{13} Although several ethno-specific immigrant service organizations emerged in the 1950’s, the vast majority operated on a volunteer basis and were more akin to ethnic associations, rather than social service providers. In addition, the first immigrant women’s anti-violence agencies did not emerge until the late 1970’s. Both of these points will be discussed in the remainder of the chapter.
membership includes approximately 180 agencies, over 100 of which are Toronto-based (Adamali et al: 2008).

In addition to its vast numbers, Toronto’s field of immigrant organizations is also diverse in relation to mandates, funding sources, and histories, which makes grouping these agencies into distinct categories difficult. In general, the sector is composed of four different subfields: settlement agencies, legal clinics, neighborhood organizations and immigrant women’s agencies. With the exception of Toronto’s handful of immigrant legal clinics, agencies within each of these sub-fields regularly engage in and receive funding for the provision of settlement services.\textsuperscript{14} The vast majority of the city’s immigrant service organizations identify explicitly as settlement service providers. These agencies focus on delivering a range of newcomer supports, including: employment counseling, English as a Second Language (ESL) courses, housing assistance, emotional support to ease the transitions associated with immigration, recreational services, help with navigating state bureaucracies, translation and interpretation services, and legal assistance, particularly with immigration applications and refugee claims (Lim et al: 2005).

Funding for settlement services falls under the auspices of the federal government through Citizenship and Immigration Canada (C.I.C.) and in Ontario, the provincial government through the Ministry of Citizenship and Immigration (M.C.I.). Currently, C.I.C. funds and administers three distinct settlement programs: the Immigration Settlement and Adaptation Program (I.S.A.P); the Host Program; and the Language Instruction for Newcomers to Canada Program (L.I.N.C.). The I.S.A.P. is the most extensive of the three in terms of the degree of funding provided to agencies. To maintain ongoing funding and satisfy government

\textsuperscript{14} Immigrant legal clinics do, however, regularly partner with settlement organizations to deliver legal assistance to newcomers.
requirements, organizations are required to deliver six specific forms of support to newcomers, as per C.I.C.’s I.S.A.P. funding directives. Along with conducting needs assessments with each client to determine appropriate referrals, agencies delivering the I.S.A.P. are required to provide: orientations to newcomers to help them develop the “skills required to meet their everyday needs, including housing, banking, shopping, access to social and health services and their rights and obligations in Canada;” up to five sessions of “solution focused counseling,” but not “psychotherapy,” to help migrants and their families “articulate their problems clearly enough to search out appropriate referrals, mobilize informal networks, or clarify some of the common issues relation to settlement and family reunification;” interpretation and translation assistance; and finally, employment assistance, specifically help with building professional networks, interview skills, and résumé writing.15 The objectives of the Host Program are to connect newcomers with volunteers who are “familiar with Canadian ways” to assist them with the strains to settlement, while L.I.N.C. program provides language instruction and additional services geared towards integration.16

The provincial M.C.I. offers funding to immigrant community organizations to administer the Newcomer Settlement Program (N.S.P.). The aim of the N.S.P. is to assist newcomers with integration and settlement through the provision of language instruction, employment assistance, referrals, navigating bureaucracies, and the form filling involved in obtaining access to various government programs, such as health care. The employment services offered through the N.S.P. tend to be more in depth than those funded through the federal government’s I.S.A.P;

along with interview skills and résumé prep, these interventions also assist clientele with accessing job training programs, obtaining the recognition of educational credentials acquired prior to migration, and professional certification (Sadiq: 2004).

Funding for anti-violence interventions is far less extensive and reliable than government support for settlement services, and is currently only distributed at the level of the provincial government. The Ministry of Community and Social Services (M.C.S.S.), the Ontario Women’s Directorate (O.W.D.), and the Ontario Ministry of the Attorney General (M.A.G) are the three primary funders for all domestic violence programs in the province. Interestingly, despite media panics and C.I.C.’s openly expressed, xenophobic anxieties around immigrants importing their “barbaric cultural practices that tolerate spousal abuse” into Canada, these concern have not manifested in the provision of any financial support for services for immigrant victims of abuse (Citizenship and Immigration: 2009, 9). As a result, both “mainstream” and ethno-specific organizations apply and compete for the same sources of funding. The O.W.D. currently funds 26 women’s organizations for front line victim services through its “Investing in Women’s Futures Program,” which was developed to “prevent violence against women and promote women’s economic self dependence” Recipients of grants are required to deploy them for the provision of safety planning, public education, referrals, entrepreneurial training, and employment support for women in abusive relationships. Funding from the provincial M.C.S.S. is far more extensive than the O.W.D. program, and is more or less

17 While the Department of Justice does offer funding through its Family Violence Initiative, the purpose of the program is to provide organizations with the resources to develop projects aimed to reform the legal system’s response to domestic violence, rather than deliver front line services for victims of abuse.

18 In the past, the City of Toronto used to offer funding to prevent domestic violence through it’s Breaking the Cycle grants. However, the grants were discontinued in the early to mid 2000’s.

the primary lifeline for agencies specializing in the provision counseling and emotional supports. Currently, the M.C.S.S. funds approximately 100 women’s centres and shelters throughout the province for the delivery of crisis and support services, therapeutic counseling, assistance with securing housing, and helping victims of violence transition out of abusive relationships.20

Finally, through its Victim Services Division, the Ontario M.A.G. also provides community organizations with minimal funding for victims of domestic abuse. For the most part, however, the majority of M.A.G. money for community agencies is funneled towards agencies involved in the provision of Partner Abuse Response (P.A.R.) counseling for abusers through the specialized domestic violence courts.

The paucity of government support for VAW services and the failure of funders to recognize the overlaps between settlement and anti-violence interventions exert a considerable impact on the abilities of counselors to effectively respond to abused immigrant women. With exception of those based in immigrant service agencies that have been successful in securing VAW funding, most counselors report providing VAW interventions “on the side” and on an ad-hoc basis. For instance, several settlement counselors advised that they consistently encounter cases of abuse in their daily work and regularly engage in activities technically not covered through the I.S.A.P. or N.S.P., such as translating for women when they call the police or seek legal advice. A number of counselors based in immigrant women’s agencies reported similar experiences. Though many of these agencies emerged with specific mandates to address violence in immigrant communities and continue to identify predominately as anti-violence organizations, in order to survive, directors report relying on settlement funding to pay staff,

20 The Ontario Ministry of Community and Social Services.
and delivering anti-violence supports to clientele on a volunteer basis. Many conceptualized the funding problem as stemming from a refusal on the part of the provincial and federal governments to recognize the intertwining of anti-violence and settlement interventions, which is reflected in I.S.A.P. directives to settlement counselors to provide only “solution focused counseling,” not “psychotherapy.” Such directives, they assert, reflect a privileging of “practical” over “emotional” supports for abused immigrant women and newcomers more generally.

Apart from government funding, immigrant service organizations regularly rely on financial support from foundations. The number of organizations currently receiving funding from the United Way’s Community Fund is in the hundreds. In comparison to the funding administered through the N.S.P. and I.S.A.P., United Way funding carries fewer restrictions, which enables agencies to deploy their grants for either settlement services or anti-violence supports. United Way funding is also ongoing for organizations that have secured membership. Finally, additional foundations, including the Law Foundation of Ontario, Maytree and Trillium, also serve as important sources of support, particularly agencies that either refuse, or have been unsuccessful, in their attempts to secure provincial and federal funding.

The Advent of Ethno-Specificity as a Governing Logic

Toronto’s contemporary field of immigrant serving organizations is defined and governed by the logic and practice of ethno-specificity, or the idea that immigrant supports are best provided by service providers who share the same linguistic, ethno-racial, and national

backgrounds as their clientele. On the surface, it may look as though the rapid growth of
Toronto’s field of ethno-specific services was a direct product of the federal government’s 1971
policy on Multiculturalism, which proposed a mosaic, rather than the American melting pot
approach to cultural diversity. While the policy did lead to the creation of a distinct federal
government body –namely, the Ministry of Multiculturalism –designed to support the
development of programs and initiatives dedicated to preserving the ethno-racial and cultural
identities of Canada’s diasporic communities (Mackey: 2002), the proliferation of Toronto’s
ethno-service sector is also very much a product of a 1974 Green Paper on immigration policy.
The Green Paper in part outlined a plan for the delivery of settlement services, which involved
the government contracting out these services to community agencies. In addition, the logic and
practice of ethno-specificity was not a Canadian peculiarity or invention. In fact, some of the
earliest discussions of ethno-specificity as a model for delivering social services to racialized or
marginalized populations surfaced in the American social work literature (Jenkins: 1981;
Baker: 2001; see Reitz: 1995 for an overview of texts for practitioners). Although these preliminary
discussions of the effectiveness of this model focused on racialized American populations,
particularly African Americans, the rationale for the practice—cultural sensitivity, empowerment
through a shared similar background between counselor and client, and the deficiencies of
“mainstream” services—is generally the same in both the Canadian and U.S. context (Reitz:
1995; Inglehart and Becerra: 1995). Thus, although federal multicultural policies espousing
diversity and difference, rather than universalism, did have an effect, the notion of ethno-
specific service provision is not exclusive to Canada or Toronto.

The evolution and proliferation of culturally sensitive, anti-violence services in Toronto
emerged separately from the immigration policies, which fueled the evolution of the ethno-
specific settlement sector. As explicitly political entities, Toronto’s first immigrant anti-violence
organizations were direct products of feminist organizing in the late 1970’s and 1980’s. Although the issue has fallen off government agendas in the past few decades, as is reflected by the limited funding available for services specifically for abused immigrant women, throughout the 1980’s, concerns about the appropriateness of “mainstream” anti-violence interventions for racialized and immigrant women surfaced as a central problem for governance. This final section of the chapter will trace some of the factors leading to the emergence of ethno-specificity as a governing logic within the context of settlement services and feminist anti-violence initiatives.

The institutionalization of the ethno-specific settlement service can be traced back to a 1974 Green Paper on immigration policy which created the infrastructure for the distribution of newcomer support services through immigrant community organizations. The impetus for the paper evolved through concerns that the system at the time would be unable to handle the continuing increases in immigration seen during the early 1970’s. The more direct concern leading to the development of the document, however, centered around the severe backlog of cases awaiting deliberations by the Immigration Appeal Board. The backlog emerged from two specific immigration policies: provisions which allowed visitors to apply for permanent resident status while in Canada, and the establishment of the Appeals Board, which enabled those facing deportation orders the right to contest them. Problems emerged when the Board was unable to efficiently process the large numbers of appeals from visitors whose applications for legal status were rejected (Knowles: 1997). In addition to this specific issue, Troper (2003) also highlights the ongoing concerns over a sluggish domestic economy and fears that existing immigration policies could not attract capital generating migrants. In response, the Department of Manpower and Immigration instigated a review of policies, with the ultimate aim of overhauling the system in its entirety. Along with deliberating on foundational questions regarding the objective of immigration laws, the Green Paper also debated over the bodies of government responsible for
covering the costs associated with the reception of and provision of welfare to newcomers. This latter concern stemmed from the Department of Manpower and Immigration’s growing interest and involvement in the settlement process, as is evidenced by a study it initiated immediately before the Green Paper on settlement needs and the responsibilities of government in the settlement process (Holder: 2004, 10).

The debates sparked in the 1974 Green Paper led to the implementation of the Immigration Act of 1976. Amongst the several new innovations proposed in the legislation was Section 3(d), which emphasizes the government’s commitment to “encourage and facilitate the adaptation of persons who have been granted admission as permanent residents...by promoting the cooperation between the government of Canada and other levels of government and non-governmental agencies in Canada” (Dirk: 1995, 101). Up until this point, government funding for settlement services was extremely limited. Though settlement organizations proliferated throughout the 1950’s, particularly in Toronto, these agencies were largely staffed by Canadian born, middle-class volunteers and generally operated independently of state intervention (Iacovetta: 2006). Although the formation of the Department of Citizenship and Immigration, specifically, its Citizenship Branch, in 1950 did lead to the distribution of some government funding to newcomers, for the most part, these resources were limited to the provision of interest free loans to recruited immigrants to cover travel costs, and temporary benefits to all newcomers in the event of accident or illness within the first year of arrival (Holder: 2004). While the Citizenship Branch did work directly with two of Toronto’s largest settlement organizations at the time, the only provisions it offered were textbooks and education materials on Canada’s history and government (Iacovetta: 2006; Holder: 2004). Directly as a result of the 1974 Green Paper and the 1976 legislation, in 1979, the Canada Employment and Immigration Commission (formerly the Department of Manpower and Immigration) implemented the I.S.A.P
discussed earlier, along with the Adjustment Assistant Program (A.A.P), the precursor to the N.S.P. It was at this point that non-profit organizations became officially enlisted to deliver settlement services and the discourse of partnership emerged as a technique for governing newcomers (Lippert: 1998). This base of government funding and the institutionalization of the government-community partnership provided a material basis for the evolution of the logic and practice of ethno-specificity.

In contrast, Toronto’s field of ethno-specific immigrant women’s organizations proliferated with far less government support. As the story goes, the evolution of this sector was largely a bottom up effort, pioneered predominately through the activism of immigrant women activists (Agnew: 1996; Agnew: 1998; Siemiatycki et al: 2001). Initially, the sector emerged to address women specific concerns related to employment, linguistic and settlement, not just the issue of violence against women. Although a handful of ethno-specific women’s organizations emerged in the late 1950’s and early 1960’s, these agencies were largely support groups and benevolent associations. The majority of service oriented and political immigrant women’s organizations developed throughout the 1970’s and the 1980’s in the wake of the feminist movement (Siemiatycki et al: 2001). The first agencies to emerge in Toronto at this time were the Centre for Spanish Speaking People in 1973, the Women’s Community Employment Centre in 1974, the Immigrant Women’s Center in 1975, and the Rexdale Women’s Centre in 1978 (Siemiatycki et al.: 2001, 29). Although often lumped together as a cohesive movement, these organizations developed for different objectives. For instance, immigrant women of Spanish descent created the Centre for Spanish Speaking People to assist incoming Chilean refugees fleeing the Pinochet regime. The Rexdale Women’s Centre, which began as the “Rexdale Immigrant Women’s Project,” was organized by a group of immigrant women in the Rexdale neighborhood to minimize migrant women’s isolation. Run by volunteers, the program entailed
a series of self help and support groups administered by and for women of the same ethno-racial background. Another important initiative at the time was a volunteer run group known as “Women Working with Immigrant Women” (W.W.I.W.). The initiative, which eventually evolved into an umbrella organization, began as a resource center for individual immigrant women’s agencies to collaborate and share information. All of these organizations were the first service oriented immigrant women’s agencies to emerge in Toronto where both the workers and clients were immigrant women. As the decade progressed, they formed the backbone of the immigrant women’s movement in Toronto (Siemiatycki et al: 2001).

The specific issue of violence against women, particularly in relation to the availability of culturally sensitive services for immigrant victims of abuse, did not surface as an agenda issue for immigrant women’s organizations until the 1980’s. This concern was intertwined with the much larger issue of racism in the feminist movement and the particular grievance that mainstream services adopted a white woman norm when devising services for abused women. Immigrant women organizers expressed concerns that existing anti-violence interventions did not adequately consider linguistic needs or differential experiences of oppression. In addition, many argued that typical mainstream feminist practices, such as consciousness-raising, were informed by a Western based confessional model, which alienated the non-Western woman (Agnew: 1995). The struggles that emerged in Toronto’s shelter movement throughout the 1980’s and 1990’s exemplified these concerns. In her analysis of the conflicts that occurred at one Toronto’s shelter called Nelly’s, San Martin (2004) points out how the delivery of social services was premised on a white, Western feminist “charity model,” which constituted the women deploying these services as receiving a favor (San Martin et al: 2004). The results of these conflicts and critiques was a concerted effort on the part of immigrant women organizers to develop separate anti-violence services for abused immigrant women, run by immigrant
women. Toronto’s first immigrant women’s shelter, the Shirley Samaroo House, opened in 1986 (Siemiatycki: 2001). Thus, within the feminist movement, the development of culturally sensitive services privileged the practice of ethno-specificity.

Throughout the 1980’s, the publication of a series of government reports suggest a growing recognition of immigrant women’s concerns over racism and the lack of culturally sensitive services for abused immigrant women. The federal government issued two reports – The Immigrant Woman in Canada: the Right to Recognition in 1981 and later, Beyond Dialogue: Immigrant Women in Canada, 1985-1990 –dedicated to investigating the issues of racism and discrimination confronted by immigrant women when accessing social services (Naidoo: unpublished document). The first of these reports evolved from the first National Conference on Immigrant Women in 1981, sponsored by the Multicultural Directorate, which was struck for the purposes of generating discussion amongst immigrant women, community organizers and government decision makers regarding the development of culturally sensitive services. In 1983, the Ontario Women’s Directorate (OWD) co-sponsored “The Visible Minority Woman: A Conference on Racism, Sexism and Work” along with the Ontario Human Rights Commission’s Race Relations Directorate, to continue an exploration of the issue (Agnew: 1995). One effect of immigrant women’s organizing around the intersecting effects of racism and sexism, and the growing government interest in the movement’s agenda, was the emergence of the term “women of color” as a political and advocacy tool in the 1980’s (Siemiatycki et al: 2001). The notion of shared experience along gender and race thus encouraged the growth of ethno-specific women’s services.

The issue ethno-specific supports for abused immigrant women fully materialized in government discourse in the 1990’s. In 1991, the House of Commons Sub-Committee on the
Status of Women deliberated on the immigrant specific barriers diasporic victims experience, and the ways in which Canadian immigration laws foster their marginalization and vulnerability in their general discussions on violence against women. In the early 1990’s, the federal government published two reports advocating for the availability of ethno-specific and immigrant run services. In 1990, the National Clearing House on Family Violence based in Health and Welfare Canada published *Isolated, Afraid and Forgotten: The Service Delivery Needs and Realities of Immigrant and Refugee Women who are Battered*. The report, written by Linda MacLeod and Maria Shin, emphasized the deficiencies of mainstream services and advocated for services appropriate to the needs and experiences of immigrant victims. The authors underscored the importance of service delivery by immigrant women for immigrant women based on the idea of shared experience, characterizing it as an “emerging perspective:"

Largely because mainstream services are not sufficiently responsive to the special needs of immigrant and refugee women who are battered, the immigrant and racial/cultural minority women working with them are continuing to develop and approach to and a perspective on wife abuse which is built on the experience of those who are battered (MacLeod and Shin: 1990, 15).

Along with emphasizing shared ethno-racial identity and experience, the document identifies several additional features of an ethno-specific practice, which includes: approaching violence against women in immigrant communities as a problem resulting from poverty, political repression, racism and not just gender inequalities; understanding male violence in immigrant communities as a community issue and not just a women’s issue; a dedication to challenging ethno-centric assumptions and stereotypes; and a consideration of the differential experiences of race, nationality, culture and language in developing and administering anti-violence services for abused women (MacLeod and Shin: 1990, 15). The National Clearinghouse on Family
Violence published *Like a Wingless Bird: A Tribute to the Survival and Courage of Women who are Abused and Speak Neither English or French*, its second report on the issue in 1994. The document advocated for similar interventions based on the findings of interviews with 64 immigrant women on how best to improve anti-violence services for victims of violence (MacLeod and Shin: 1994).

**Conclusion**

Although ethno-specific and immigrant serving organizations are in no way peculiar to Toronto, these agencies are a municipal trend and perform an important role in shaping the city’s identity, which prides itself on its diverse demographics. However, it is only in the past four decades that multiculturalism has evolved into the city’s mantra. Prior to the removal of Canada’s discriminatory immigration policies in 1967, Toronto was widely known as the “Belfast of Canada.” Up until that point, the city –and the country more generally– prided itself on its whiteness and homogeneity. The changes to immigration policies, which reflected shifts in concerns from the “character” of the Canadian population to the ability to attract capital generating migrants, exerted far more of an impact on Toronto than any other large urban center in Canada. As statistical projections estimate, the momentum at which Toronto’s demographics continue to diversify show few signs of slowing down.

Demographics alone, however, do not entirely account for the proliferation of immigrant serving organizations and the advent of ethno-specificity as a guiding principle for the governance of Toronto’s diasporic communities. Underlying the logic of ethno-specificity is the idea that matching social service providers and clientele along ethnic and national backgrounds will enable the delivery of far more empowering support to newcomers. While the academic
literature on how ethno-racial identity evolved into a key terrain of governance for diasporic subjects is generally lacking, the politicization of race and ethnicity in the post-civil rights climate of the 70’s presumably enabled the process. To be more specific, in order to enable her empowerment through ethno-racial identity, the racialized subject had to first be constituted and identified as marginalized as a result of this very feature. Just as central to this process was the problematization of the “mainstream” field of social services as lacking the knowledges and expertise required to address the suffering of the racialized immigrant. The construction of non-immigrant specific services as deficient, particularly in relation to supports for abused women, served as the rationale for the development of separate, ethno-specific organizations for immigrant women. In addition, it can also be argued that due to the influence of feminism, and specifically, the privileging of shared experience, the concept of ethno-specific expertise within this field of services achieved a particular resonance at this moment in time. Foundational to feminist politics is the essentialization of gender identity, or the idea that all women share a specific experience and common understanding of the social world. The introduction of race and ethnicity into the movement’s narrative in the 1980’s called for the recognition of differential experiences amongst women. Yet, given that all political movements generally rest on some form of essentialized experience as a unifying factor, the politicization of race also fostered the notion of shared ethno-racial, gendered experience amongst women. The idea of the culturally sensitive, ethno-specific agency thus made sense, given the political climate at the time.

In contrast to the field of immigrant anti-violence services, a central factor in the proliferation of settlement agencies in Toronto was the 1974 Green Paper, which, until very
recently, led to the formation of a secure funding base for agencies working with newcomers.\textsuperscript{22} The Green Paper examined the role government would play in the settlement of newcomers, debated over what levels of the state would be responsible for the costs, and explored the possibility of contracting out services to community agencies. The document was an important precursor to the development of the I.S.A.P. in 1979 and the institutionalization of the state-community partnership in the delivery of newcomer supports. Thus, although it might be tempting to draw a direct connection between federal policies on multiculturalism and the proliferation of ethno-specific settlement services in Toronto and other parts of Canada, possibility more influential in the advent of these services were policy debates around efficiency and cost reduction. Within the context of immigrant and ethno-specific services, governing newcomers through their ethno-racial identities appears to be more of a contingent byproduct of larger neo-liberal trends to govern through community.

\textsuperscript{22} In 2010, Ottawa announced funding cuts to 35 immigrant serving and ethno-specific agencies in Toronto. The rationale for the cuts, according to Citizenship and Immigration, was based on the argument that although Ontario receives the bulk of immigrants arriving to Canada, the province also takes in a large number of “secondary migrants” from other parts of the country (Keung: 2010).
Chapter 3
Governing through Community: Toronto’s Specialized Domestic Violence Courts

On January 25th 2000, the Conservative Harris government announced plans to double the number of domestic violence courts from 8 to 16 across the province. In a news release, Attorney General Jim Flaherty detailed the intent and symbolic significance of the increased funding: “the expansion of the domestic violence courts makes it clear that our government supports victims and expects abusers to be held accountable for their actions.” Through the specialized court process, the provincial government promised a “broad range of coordinated services” including, court mandated counseling for offenders, specialized investigations for evidence collection, and enhanced supports for victims. The court expansion is characterized as a key “part of a provincial strategy to improve the justice system’s response to domestic violence, in partnership with local communities.” Singled out as a key strategy, the criminal justice-community partnership is highlighted as integral to stopping domestic violence.

On the surface, the specialized domestic violence courts could be interpreted as a quintessential, neo-liberal state effort to manage crime, an example of the multitude of projects initiated over the past few decades involving the devolution of crime control responsibilities to the community. However, when we consider the origins of the courts, this surface level interpretation does not entirely capture the political rationalities and relations that led to their emergence. In the years preceding the Ontario Ministry of the Attorney General’s (M.A.G.) declaration of its commitment to end domestic violence through local partnerships, several immigrant women’s organizations, settlement agencies, shelters, Native community agencies and family violence organizations in Toronto worked together under the auspices of a grassroots
feminist umbrella organization known as the Coalition Against Violence (C.A.V.) to develop the infrastructure for a joint community and criminal justice response to domestic violence. The framework—known as the Duluth Model—was originally conceived in Minnesota in 1980 when feminist activists and social workers convened to create an initiative that would prevent abused women from slipping through the systemic cracks. The model entailed coordinating the policies and practices of the police, probation and the courts with non-profit, anti-violence services, so that, for instance, a shelter worker and a probation officer could easily share case information to ensure victim safety and offender accountability. As the decade progressed, C.A.V.’s advocacy efforts increasingly coincided with the state’s own agenda to improve the justice system’s response to domestic abuse. The grassroots discourse of coordinating the community subsequently evolved into the provincial government’s official policy and became synonymous with the specialized domestic violence court process.

In this chapter, I empirically examine the governance of domestic violence “through the community” (Rose: 1996). In so doing, I analyze the role of grassroots feminist organizations and actors in developing the infrastructure for the specialized domestic violence courts, defining the prosecution of domestic violence, and in shaping the conditions of punishment for offenders. To illustrate the various ways in which non-state actors engage in these typical state responsibilities, I focus on three main stories. The first is the origin story of the specialized domestic violence courts, which traces the migration of the coordinated community response discourse from the grassroots of Duluth, Minnesota, to the offices of the Ontario government. Along with showing the influence of feminist political rationalities in the eventual incorporation of the criminal justice-community partnership, the discussion will examine the evolution of C.A.V. and the agency’s efforts to reform, coordinate and politicize state, legal and community responses to domestic violence. This origin story also considers the context in which C.A.V.
launched its reform efforts. This wider climate is important to understanding the success of C.A.V. in pursuing its feminist reform agenda and the sway of grassroots logics on the police, courts and government at the time.

Whereas the first story documents the creation of Toronto’s specialized domestic violence courts, the second and third empirically examine the administration of the prosecution process. What exactly do state efforts to govern with and through the community actually look like on the ground? To answer this question, I focus on the relations, conflicts and networks of grassroots actors and legal professionals that comprise the specialized domestic violence Early Intervention court. The Early Intervention plea court is one of the two models of specialized domestic courts that the provincial government and C.A.V. implemented in Toronto in the late 1990’s. What makes Toronto’s plea court unique is the presence of a C.A.V. administrative worker, known as the Partner Abuse Response (P.A.R.) Coordinator, during the actual court process.23 Technically, the responsibilities of C.A.V.’s P.A.R. Coordinator within the plea courts are purely administrative; she is expected to attend each court session for the purpose of referring any offender who chooses to plead guilty and attend for counseling to one of the ten accredited grassroots organizations administering P.A.R. counseling in Toronto.24 Her second primary responsibility involves funneling paperwork. As the primary liaison between all ten counseling agencies and the courts, the P.A.R. Coordinator ensures the provision of all requisite forms and reports to court and P.A.R. staff for the purposes of registering offenders into counseling and sentencing them once they complete their programs. In reality, however, her role extends well beyond these prescribed administrative responsibilities. Drawing on court

23 I will compare the degree of community involvement in Toronto’s specialized domestic violence courts to other specialized, and “problem solving,” prosecution processes in Canada later on in the chapter.
24 Chapter five examines the accreditation process in full detail.
observation of the Early Intervention prosecution process –as well as my own memories of working as one of C.A.V.’s first P.A.R. coordinators –I show how in certain contexts, C.A.V.’s senior P.A.R. Coordinator performs far more like a hybrid of the defense and prosecutor, rather than the administrative support technically envisioned for the position. In documenting her role within its living social context, specifically the networks of relations involving offenders, defense counsel and crown prosecutors, I draw attention to the significant influence C.A.V.’s P.A.R. coordinator exerts in naming, blaming and claiming incidents of domestic violence as crimes (Felstiner, Abel and Sarat: 1981). I also illuminate the role of non-living actors, specifically, documents, furniture and the hallway, in producing the P.A.R. Coordinator’s legal expertise. Each of these objects and structures “acts” in so far as they shape relations of power and the governance of the domestic violence offender.

Whereas the story just described depicts a somewhat harmonious legal network in which typical adversarial interests disappear, the third one presents a very different account of the state and non-state relations fueling the Early Intervention plea court process. In this narrative, the prosecution process materializes as a tug of war, one in which crown prosecutors and P.A.R. counselors regularly struggle over best practices, proper punishments and the ultimate purpose of domestic violence prosecutions. Using the provincial guidelines governing the court process as leverage, which many P.A.R. providers participated in creating, counselors regularly deploy their influence in the prosecution process to dictate appropriate screening practices for the Early Intervention courts, the sentencing of domestic violence offenders and the responsibilities of crown prosecutors. 25 The conflicts eventually led to a boycott of the

25 The provincial government’s accountability standards and guidelines is a document governing the specialized court process. In addition to detailing the responsibilities of the all actors in the court, the guide acts as a training manual for all the grassroots organizations interested in becoming accredited P.A.R. service providers. The document was
courts known as the “P.A.R. Freeze,” which the counselors launched in response to prosecutorial failures to comply with the regulations governing the Early Intervention court process. Along with empirically examining the governance of domestic violence through the community, the story of the P.A.R. Freeze also illuminates the shifting appearances of state representatives in managing C.A.V., the courts and the P.A.R. organizations, who alternate between governing at a distance and re-asserting their sovereignty.

This ethnographic account of the role and influence of community based actors in defining the prosecution and punishment of domestic violence represents a departure from existing research on specialized courts, at least with respect to how they operate in theory. Although the structures of specialized courts invite the participation, knowledges and expertise of non-state actors, their incorporation into the legal process is in most cases circumscribed to the provision of rehabilitation to offenders. In some cases, such as in Toronto’s Gladue Aboriginal courts, as well as in the city’s Drug Treatment Courts (D.T.C.), social workers and community based advocates perform as part of a distinct court work group and thus exert far more influence in shaping how the law prosecutes and punishes offenders (Moore: 2011; Moore: 2007; Knazan: 2003). Overall, specialized court processes encourage and authorize the active participation of social workers and community based representatives for the purposes of transforming the prosecution process into a more “problem solving” initiative. In Toronto’s specialized domestic violence courts, however, the influence of community based workers

originally written by C.A.V. and its partnering organizations. When the M.A.G. announced plans to implement Ontario’s specialized courts, it adopted these standards as its own. This chapter and chapter five examines the formation of these guidelines in detail.

26 Specialized courts are also widely known as “problem solving courts” (Berman & Feinblatt: 2001; Bakht: 2005; Berman: 2000; Rottman and Casey: 1999).
extends far beyond their legally prescribed roles as counselors for abusive men and administrative assistance for the courts. As is the case with C.A.V.’s administrative coordinator described above—yet far less encouraged by crown prosecutors—P.A.R. counselors frequently position themselves as experts on matters far beyond the re-education of the domestic violence offender.

The stories of how community based actors administer their responsibilities in the courts not only departs from typical specialized prosecution processes; they also provide a theoretical counterpoint to conceptualizations of state-civil society relations in much of the feminist literature on the anti-violence movement, as well accounts of community and criminal justice partnerships in the governance literature. Both of these bodies of work rest on constructions of “the state” and “civil society” as binary oppositions, in which the former typically co-opts the latter. Within existing feminist accounts, for example, state involvement in anti-violence efforts eventually results in the usurpation of community goals and depoliticization of grassroots feminist initiatives. In the field of criminology, with the exception of Maurutto (2003) and Crawford (2007), theorizations of the local criminal justice partnership either overlook the agendas and interests of non-state actors entirely, or simply assume their confluence with those of the state. This oversight emerges for two main reasons: either, non-state actors and organizations are framed as supporting entities in these coalitions, or the notion of “governing through community” is only explored theoretically (Garland: 1996; Rose: 1996a).

In this account of the civil society-state relations fueling the Toronto’s specialized domestic violence courts, grassroots actors and organizations are not at all supporting figures in efforts to manage domestic violence, nor do the “state” and “civil society” always operate as
oppositions. While I illustrate this point empirically, theoretically, these stories are informed by Foucauldian analyses of state power, which emphasize relations of governance, rather than the state as a concrete and coordinated, machine-like entity (Gordon: 1991). Analyzing state power as a manifestation of a network of actors that shift over time illustrates a dynamism of state processes not entirely captured in theorizations of “the state” as a monolithic and unified structure. It also reveals the complex webs and interdependencies between state and non-state entities that do not entirely accord with their constructions as distinct binaries. Finally, through offering an empirical analysis of the governance of domestic violence, where the activities of non-state actors take center stage, this account also contributes to theorizations of trends in crime control, particularly those suggesting the replacement of the “social” by the “community” as the preferred strategy of political power. As argued earlier, the abstraction of the “social” continues to be alive and well with regards to the rehabilitation of the domestic violence abuser. I provide more detail on this subject in chapter five. Here, I focus on how the community shapes the prosecution of domestic violence and defines the conditions of punishment for domestic violence offenders. Thus, in contrast to suggestions that the “social” has declined in relation to the “community,” within Toronto’s specialized court process, both strategies thrive in the project to manage male violence.

**Feminist Theorizations of State and Community**

Feminist scholars have written extensively on the coalitions formed between the state and the grassroots in efforts to confront violence against women. For the most part, these accounts generally focus on the contradictions and problems associated with either a dependence on state funding, or the reliance on the criminal justice system as muscle to avenge or prevent domestic abuse. In the typical story, the state co-opts while the community loses its
autonomy and grip on the priorities and principles that fueled the movement in the first place (Hilton: 1988). The more nuanced bodies of work in this area highlight the overlaps between state agendas and feminist strategies calling for harsher punishments, mandatory charging and the aggressive prosecution of violence against women offences (Martin and Mosher: 1995; Martin: 1998; Snider: 1994; Bumiller: 2008). These important accounts pinpoint how grassroots criminalization strategies coalesced with more general ‘law and order’ government agendas, which eventually enabled the state to dictate the governing of domestic violence.

While feminist scholarship offers several examples of the watering down of community based, anti-violence interventions in the wake of securing funds, most of these accounts tend to be broad and descriptive, and provide little insight into the direct consequences of state funding on the everyday realities of service provision. For instance, in her discussion of the ethno-specific, anti-violence sector in Toronto, Agnew (1996) says very little about funding constraints beyond illuminating the complaints and frustrations of counselors. Other writers provide important overviews of federal and provincial state assaults on anti-violence services in Canada since second wave feminism (Das Gupta: 2007) and at various points in history, particularly under neo-liberal regimes of state power (Morrow et. al: 2004). Less scholarly attention has been paid to the intricacies of state and non-state relations born through funding relationships and how these arrangements shift and are re-negotiated over time.

Notable exceptions include Beaudry’s (1985) analysis of the advent and evolution of the shelter movement in Quebec and Bumiller’s (2008) discussion of the impact of neo-liberal state logics on the feminist, anti-violence movement in the United States. In Battered Women, Beaudry documents the how funding arrangements between the Ministry of Social Affairs and the Conseil du Statut de la Femme (CSF-Council on the Status of Women) led to the
Funding stipulations required shelters to deploy training manuals developed by the CSF, charge abused women fees and assess the effectiveness of their interventions through quantitative methods of data collection (Beaudry: 1985). Bumiller (2008) documents similar practices in the American context. Rather than focusing on the specific techniques of one funding body, she links the de-politicization and professionalization of the VAW movement to broader, neo-liberal trends and macro shifts in how violence against women has been defined and re-defined over the past two decades.

**Criminal Justice Outsourcing and Governing through Community**

The stories of state manipulation, maneuvering and to a certain degree, cooptation of the community based organization so common in feminist scholarship have also surfaced in the criminology literature theorizing state and community partnerships in crime control, yet not so much in relation to the governance of gendered violence. Garland (1996) offers the most well known theorization of criminal justice and community partnerships in “The Limits of the Sovereign State.” He interprets the practice as an instance of neo-liberal outsourcing, in which the state disperses or offloads its responsibilities to control crime to non-state actors and institutions. In these relations, Garland depicts non-state institutions as following the agendas of the state, exercising little autonomy in crime control collaborations, and largely un-invested in the objective of crime prevention (Garland, 1996: 464). Overall, his work gives the impression of their total absorption into the state’s machinery of crime prevention and control.

Notable exceptions to such depictions of community partnerships in the criminology literature are Maurutto’s (2003) historical discussion of the role of the Catholic Church in the
governance of youth crime and national security in mid-nineteenth century Toronto, and Crawford’s (1997) analysis of contemporary efforts to govern crime through local partnerships. In charting the interplay between the Catholic Church, professional experts and state representatives in joint crime control initiatives, Maurotto challenges the idea that the Catholic run agencies were co-opted by the state, or relinquished their own agendas and interests once incorporated into state networks. In illuminating crime management relations from the perspectives of voluntary agencies, she shows how governing priorities “more often reflected directives from Rome than from Ottawa” and cites several examples of security initiatives pioneered autonomously by the Catholic Church (Maurutto: 2003, 12). She also charts the state-church interdependencies, which led to the deepening involvement of the Catholic Church in the administration of juvenile justice between 1890 and 1940.

Similarly, Crawford’s analysis of appeals to community in crime control also eschews a mono-focal analysis of local criminal justice partnerships which only considers state interests, or assumes relations of co-optation. His work empirically examines two British initiatives, one which focuses on crime prevention and another involving victim/offender mediation and reparation. Crawford’s analysis considers the conceptualizations of community through which criminal justice appeals are made, and the various interests the concept serves. Along with dissecting the abstractions community, his analysis also questions binaries of state and civil society through highlighting the “dispersed and fragmented web of networks and ‘partnerships,’ in which the interests of the central state collide with local power elites, established agencies, charitable bodes, private businesses, and representatives of other organized groups” (Crawford: 1997, 4).
Finally, both Garland (2001) and Rose (1996a) offer broader insights on the recent proliferation of crime control strategies involving community partnerships, linking the trend to wider shifts in political rationalities, which in turn have shifted how we conceptualize offenders and the project of managing crime. Specifically, they associate the emergence of projects aimed to govern through community to the decline of the “social;” both contextualize this trend as resulting from broader neo-liberal efforts to “destatize” government, which aim to chip away at an assumed “culture of dependency” fostered through decades of welfarist interventions (Rose: 1996a, 56). In relation to penal governance in particular, at the heart of this shift are changes in how political power thinks about offenders and law breaking. Whereas previously, welfarist strategies constructed law breakers as changeable subjects of need, contemporary crime control initiatives are more likely to constitute them as rational and risky subjects of choice. In other words, offenders are now understood to be rational actors who have made choices to engage in crime, rather than misguided subjects in need of help.

How does all of this relate to the advent of the criminal justice and community partnership? With the transformation of the offender into a rational subject of choice, the principle of changing the offender for the good of society no longer possesses much currency; emphasized instead is his surveillance and monitoring for the purposes of security. According to governance scholars, the need to control, rather than cure offenders, and to manage, rather than solve the root causes of law breaking serve as the basis for state-civil society alliances to stop crime. Within these partnerships, the community materializes as “a new territory for the administration of individual and collective existence, a new plan or surface upon which micro-moral relations among persons are conceptualized and administered” (Rose: 1996a, 331). Through the abstraction of community, citizens are mobilized to participate in the project to manage crime and to accept responsibility for the security and welfare of their immediate
locales (Rose: 1996a, 335). Community partnerships, such as, for example, the local neighborhood watch group, thus emerge to simply manage crime, rather than fix it. Lacking any transformative potential, they leave the wider socio-economic or political conditions that foster crime untouched.

In sum, governance scholarship forwards three primary claims regarding the proliferation of strategies involving the governance of crime through community: the abstraction of community has replaced the social as a key terrain of governance; this shift is indicative of the advent of neo-liberal political rationalities and the decline of welfarism; and the primary objective of community involvement is to monitor and control offenders, rather than fix them. With these insights in mind, the remainder of the chapter empirically examines how the terrain of community materialized as a site of governance and intervention for state power in Ontario’s project to manage domestic violence and in Toronto more specifically. In so doing, it also explores the effects of abstractions of community on penal governance through focusing on the networks of state and grassroots actors involved in the administration of the specialized domestic violence courts. The chapter concludes with a discussion of how the deployment of community in my site both departs from and resonates with the insights of governance scholarship and broader trends in crime control.

The Duluth Model

How did the abstraction of community come to be the central terrain for the governance of domestic violence in the late 1990’s? If we were to take the conservative Harris government’s announcement of its declaration to fight domestic violence through community partnerships at face value, the specialized domestic violence court process would appear to
exemplify to a tee the theorizations of such projects as neo-liberal phenomena and an instance of state outsourcing. However, if we trace the conditions that led to the emergence of this initiative, we will find its origins not on the desks of a provincial M.A.G. bureaucrat, but in the grassroots of Duluth, Minnesota in the 1980’s. The Harris government’s declaration to stop domestic violence through local partnerships is a direct result of a strategy known as the Coordinated Community Response framework, which was developed by a feminist activist and social worker by the name of Ellen Pence. Pence and her colleagues designed the project following a high profile domestic homicide in Duluth, which exposed significant cracks in the city’s criminal justice system and the network of social service agencies established to support abused women.

Shortly after developing the model, the group implemented the Duluth Abuse Intervention Project (D.A.I.P.) in 1984, which incorporated the principles of the Coordinated Community Response framework. The Duluth Abuse Intervention Project (D.A.I.P.) established the infrastructure for the police, courts, social service agencies, and community organizations to work conjointly and to develop practices that would “place the onus of intervention on the community, not the individual woman being beaten” (Pence and Paymar 1993: xiii). To accomplish these objectives, the model emphasized two specific interventions: “harsh penalties and sanctions on men who continue to abuse their partners;” and education programs for batterers to ensure they accepted responsibility for their abusive behavior and acquired the requisite tools to change it (Pence and Paymar, 1993, 18). Combined, both accomplished the Duluth model’s twin objectives of victim safety and offender accountability. The D.A.I.P. envisions the community and the criminal justice system as working in tandem to accomplish both goals.
The D.A.I.P. outlined a framework in which community organizations would perform just as critical a role as traditional criminal justice institutions in the governance of domestic violence. As counseling providers for court mandated offenders, grassroots agencies were expected to not only reform abusers, but to also monitor them. To ensure systemic accountability, the model additionally recommended the involvement of a feminist grassroots organization to act as the main coordinating body and “watchdog” for the courts. In the D.A.I.P., a feminist agency of the same name as the larger project, undertook these responsibilities. In addition to developing the written guidelines, policies and procedures to establish inter-sectoral collaboration, the D.A.I.P. monitored all of the criminal justice and non-state organizations involved in the project to ensure their compliance to the protocols. Finally, ensuring batterer’s programs deployed appropriate feminist frameworks for counseling abusers, which traced the roots of male violence to patriarchy, rather than individual factors, was another key responsibility of the watchdog organization. To assist with this objective, Pence created the Duluth counseling curriculum for organizations to deliver programming based on feminist principles, which conceptualized male violence as a form of power and control. Thus, the terrain of community as a mode of governance within the Duluth framework stems from conceptualizations of offenders as both risky and reformable; grassroots organizations are enlisted not only to change offenders but to also monitor them. In contrast to contentions suggesting the replacement of the social with the community, within the Duluth’s penal project to change and watch over offenders, both the community and the social co-exist and reinforce one another.

27 Chapter five discusses the distinctions between therapy and Duluth based domestic violence counseling in full detail.
Pence’s Challenge: the Birth of the Coalition Against Violence

The migration of the Duluth coordinated response discourse to the grassroots of Toronto evolved through the efforts of a handful of community organizations, who began to examine the possibility of cultivating a Duluth inspired, inter-sectoral model for responding to domestic violence in Toronto. Their efforts would eventually evolve into the Coalition Against Violence (C.A.V.), the linchpin of the specialized domestic violence court process, and the agency equivalent of the D.A.I.P. watchdog feminist organization in Duluth’s initiative. Between 1989 and 1990, representatives from three community organizations—a neighborhood organization, an aboriginal service provider and a women’s shelter—along with a leading figure in the field of public health successfully applied for funding from the Ministry of Community and Social Services (M.C.S.S.) to develop a training manual aimed to coordinate the services of the health sector and the field of anti-violence service for abused women.\(^28\) In keeping with Pence’s approach, the objective of this mini-Duluth project was to ensure that the sectors abused women most regularly accessed were essentially “talking to each other” to prevent victims from slipping through cracks. While the initiative achieved moderate success, it was not until the celebratory launch of the training manual that the concept of creating a more comprehensive coordinated community response garnered significant support. According to one advocate, the idea to expand the initiative and to incorporate law enforcement had much to do with the influence of Ellen Pence, who the project coordinators invited to be the keynote speaker at the event. As the story goes, while at the meeting, Pence “put a challenge to Toronto” to push the project further. On that very same day, the program developers discussed the concept with several representatives from the community, the criminal justice system and the provincial

\(^{28}\) Two of these organizations, an Aboriginal agency and a neighborhood organization, eventually became affiliated with the court as P.A.R. service providers. I provide a detailed account of this history in chapter five.
government in attendance at the launch. The group then successfully applied for an additional two years of funding from the M.C.S.S., which they received shortly after the launch.

After hiring a coordinator, who eventually evolved into the executive director of the organization, the group launched the C.A.V. protocol project in 1992 with an annual budget of $60,000, donated space from the City of Toronto and a mandate to create a “a multi-sectoral, long-term strategy for the development of accessible, coordinated and consistently delivered service provision” (C.A.V.: unpublished document, 3). Due to the success of the previous initiative, the project mobilized a broad range of support from an array of sectors right from its beginnings. According to one advocate:

So when I came on board, we had space donated from the City of Toronto. At that point, we had a reference group of about 58 people from every possible sector that you can imagine. All these people were at this big launch with Pence. And in some ways it was phenomenal. We had the labor council, we had a judge, we had all kinds of folks. And so the goal was, that in two years, we were supposed to come up with this protocol that was supposed to deal with every conceivable sector in the community and say who was going to do what around woman abuse.

Along with the reference committee of 58 people, C.A.V.’s infrastructure included an 18 member Council composed of representatives from Toronto’s hospitals and public health facilities, police services, immigrant and ethno-specific community organizations, agencies involved in the provision of services to abusive men, family service organizations, shelters, the Children’s Aid Society as well as provincial government officials from the Ministry of Education (Violence Prevention Secretariat), the Ministry of Community and Social Services, the Ministry of the Solicitor General and the Ministry of the Attorney General, Victim Witness Assistance Program. (C.A.V.: unpublished document, 3 & 9). In addition, C.A.V. relied on the insights of over a hundred volunteer members, all of whom regularly sat on the seven separate committees
convened by the organization. Finally, as C.A.V.’s infrastructure and membership grew, so did their sources of funding. Between the period of 1992 and 1997, the agency received additional funds from the Ministry of the Attorney General, the Ministry of the Solicitor General, the Ministry of Health, the Ministry of Education, the Ontario Women’s Directorate and the City of Toronto. C.A.V.’s coordinating efforts were thus critical in positioning the abstraction of community as a potential site of intervention for the governance of domestic violence and laying groundwork for the formation of relations that would eventually manifest as Toronto’s specialized domestic violence court process.

**Standardizing a Joint Criminal Justice and Community Response**

With extensive funding from various provincial Ministries, C.A.V. endeavored to reform policies and cultivate communication amongst three sectors in particular: the criminal justice system, the health sector and anti-violence services. The coordinated policies C.A.V. aimed to develop in its early years were heavily influenced by on-going consultations with Ellen Pence, who, coincidentally was living in Toronto at the time and enrolled in a doctorate program at the Ontario Institute for Studies in Education. The Pence connection and knowledge transfers between Duluth and C.A.V. advocates thus continued well beyond Pence’s initial appearance at the launch of the training manual in 1990.

Although C.A.V. ideally envisioned creating regulations to mandate sectors to work together, the agency eventually settled on developing general directives, given the difficulties associated with devising shared protocols and mandating organizations to comply with policies developed by an external body. Institutionally specific structures of governance, confidentiality policies and clashing philosophies rendered shared protocols virtually impossible; a director at
C.A.V. commented on the difficulties she confronted when trying to create shared policies in keeping with Duluth’s vision:

Pretty early on, I realized that it [developing one protocol for all sectors] was not going to happen. It doesn’t work that way. You have different levels of governance. Hospitals have a board of governors, you can’t tell them what to do...And if you have a police officer that is taking a totally law and order focus and a shelter worker that is taking an empowering woman focus, it’s not going to work.

C.A.V. relinquished the ideal of developing an inter-sectoral initiative where shelters, public health and criminal justice institutions would all operate in accordance with one centralized plan for responding to victims of abuse. Instead, they switched from a focus on policies to practices, and between the years of 1992 to 1998, the organization developed its “Best Practices Guidelines: A Compilation of Guidelines for Responding to Woman Abuse Across Various Sectors.” The comprehensive manual outlines the “fundamental philosophical and procedural components” necessary to ensure that all service providers deliver anti-violence interventions “in ways which promote the safety of women and their children, while supporting a woman’s right to self determination” (C.A.V.: unpublished document, 2). Unable to mandate organizations to comply with specific regulations, C.A.V.’s Best Practices manual encouraged individual organizations to consider the guidelines, assess their existing policies in relation to these suggested practices, and to amend them in accordance with C.A.V.’s principles when possible. As a mechanism for encouraging institutions to self govern, C.A.V. designed the Best Practices manual as a tool for agencies to self audit. The document reinforces four key principles for all social service and criminal justice sectors involved in the provision of assistance to abused women to develop a coordinated response: awareness, commitment, consistency and accountability (C.A.V.: unpublished document, 9). “Awareness” encourages each agency to
reflect on how it works “internally and externally, in order to maximize the support, information and choices available to women” (C.A.V.: unpublished document, 12). “Commitment” urges each institution to adopt the objective of victim safety as its ultimate priority, while “consistency” emphasizes the importance of inter-sectoral collaboration. Finally, “accountability” encourages each sector to involve “service users in the development of any policy or service, with particular attention and outreach efforts to increase the participation of marginalized women” (C.A.V.: unpublished document, 14). The Best Practices manual includes several checklists, scenarios and questions for organizations to help service providers identify gaps in communication and opportunities for coordination.

The document elaborates on each of these principles in a section entitled “Mechanisms of Multi-Agency Co-ordination.” The guidelines urge service providers to recognize the “range of service agencies/organizations” that are actively responding to violence against women, to “identify areas of inter sector linkages, to create mechanisms to ensure communication between these sectors,” and to “establish new multi-agency alliances” (C.A.V.: unpublished document, 15). The golden rule of community and criminal justice partnerships is reinforced repeatedly throughout the document:

No one organization can fully address the problem of woman abuse. An effective response to this issue requires coordination, collaboration and co-operation between organizations and sectors, including health, criminal justice and education. And integrated delivery of service will facilitate the development of a seamless continuum of care (C.A.V.: unpublished document, 15).

Following the general preambles and principles emphasizing the importance of interagency collaboration, the remainder of C.A.V.’s Best Practice Guidelines is categorized into four distinct chapters: the first outlines recommended practice for anti-violence counselors working with
abused women; the second acts as a guide for health care providers; the third is a set of standards and guidelines for batterers programs, which were eventually adopted by the provincial government as the formal guidelines for the accreditation of P.A.R. programs; and the final section is a re-print of the Toronto Police Services Domestic Violence Policy, which C.A.V., along with the Assaulted Women’s Helpline and the Committee on the Status of Women, helped the police develop between 1991 and 1993. By the mid-1990’s, due to its extensive interactions with anti-violence services as varied as the hospitals, shelters and the police, the organization was on its way to becoming the city’s leading expert on the criminal justice-community partnership for governing domestic violence.

**Politicizing the Policing of Domestic Violence**

At the same time C.A.V. developed its Best Practices manual, the agency also focused its attention on helping the Toronto Police Services develop a comprehensive, feminist informed policy, which incorporated their four key principles of awareness, commitment, consistency and accountability just described. According to C.A.V., the initial sparks for reform were ignited within the police department itself. At a Police Services Board meeting in December of 1991, Chief McCormack, head of the police at the time, expressed concerns that officers were not following routine orders and departmental policies when investigating incidents of domestic violence. He then ordered an in-house review of domestic violence training manuals, data collection methods and investigative procedures with the objectives of assessing the

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29 I discuss C.A.V.’s “Accountability Standards and Guidelines for Intervention Programs for Abusive Men” in detail in chapter 5.
effectiveness of existing practices and generating recommendations for improvement

Presumably one factor in the willingness of the police to work with its local feminist organization on devising policies to govern violence against women was the Jane Doe case, which marked the first time in Canadian history that an individual citizen successfully sued the police for their actions during crime investigations. In 1986, Jane Doe became the fifth victim of the “Balcony Rapist,” a serial rapist who committed several assaults on women in one downtown Toronto neighborhood. Despite the fact that the police were well aware of the attacks and had traced them to a single offender, officers consciously chose not to warn women due to fears that exposing the information would result in the offender fleeing the neighborhood, and therefore pose difficulties in his apprehension. In addition, officers expressed concern that the information would trigger mass “hysteria” amongst female residents and further jeopardize the investigation (Doe: 2004). The sexist reasoning of the police along with their deployment of neighborhood women as bait served as the basis for Doe’s lawsuit. In 1987, Jane Doe deployed sections 7 and 15(1) of the *Canadian Charter of Rights and Freedoms* to argue that the Toronto Police Services conducted their investigations in a way that was discriminatory on the basis of gender (Jane Doe v. Toronto (Metropolitan) Commissioners of Police: 1998, 2). In 1991, the Ontario Supreme Court allowed the case to proceed to trial, and in 1998, the courts ruled in favor of Jane Doe. In the ruling, Justice Macfarland validated Jane Doe’s claims of police negligence and gender discrimination, arguing that:

The Police failed in their duty to protect the women in the area targeted by the rapist, and in particular, Jane Doe. A warning should have been given alerting women at risk and advising them to take precautions to protect themselves. Warning was not given because of the stereotypical discriminatory belief that women in the area would...
become hysterical and jeopardize the investigation. A man in similar circumstances would have been warned (Jane Doe v. Toronto (Metropolitan) Commissioners of Police: 1998, 2).

Although the courts did not deliver the ruling until 1998, throughout the 1990’s, accusations of gender insensitivity and the high profile nature of the Jane Doe case fostered a climate where the police, under the guise of the public and the law, were far more likely to be receptive to building coalitions with local feminist organizations. This larger context is important to understanding the success of C.A.V. in politicizing the policing of domestic violence and in fostering the allure of the criminal justice-community partnership.

Overall, C.A.V. described the advocacy and consultative process with the police chief as harmonious. The police were reportedly amenable to working with the agency, particularly the organization’s “Accountability Committee,” a venue composed entirely of survivors of domestic violence, whose main role was to provide input on domestic violence policies. Incorporating the direct experience of abused women into criminal justice reform initiatives was a guiding principle of the Duluth model. In keeping with feminist philosophical principles, which privileged direct experience as truth, Pence emphasized the importance of the practice when implementing the coordinated community response framework. In fact, she created the “Power and Control Wheel” – a visual tool deployed in men’s counseling programs to help them identify different forms of abuse and relate their use of violence to patriarchy – entirely from victims’ stories about enduring male violence. C.A.V. continued the tradition and worked to facilitate direct communication between its Accountability Committee and the police:

When we started in 1991, in relation to what we did with the criminal justice system, we spent the first four years working with the police, reviewing their domestic violence policy. And that was a wonderful process. We had a great guy in the police domestic
violence coordinator position. And he would literally give me drafts of the policy and I would take it to the Accountability Committee [for their suggestions].

The final result was a comprehensive domestic violence policy and internal communications strategy that not only outlined police procedures and training, but also emphasized broader measures to ensure victim support, public awareness and research and evaluation. Evidence of C.A.V.’s influence and its four directives, surfaces repeatedly throughout the document; the policy highlights the objective of “reducing domestic violence through a coordinated community response” as an integral “purpose and goal” for the police department (Metropolitan Toronto Police: 1993, 2 in C.A.V.: unpublished document). The strategy also incorporated C.A.V.’s principle of systemic accountability through developing domestic violence liaison officers and mandated or specialized domestic violence units. Under the heading “Compliance and Accountability,” the rationale for mandating a specialized domestic violence unit insists such teams are critical to ensuring officer compliance and accountability. The manual identifies accountability as a key principle that had been missing from police policy, but critical to improving the overall police response to domestic violence:

The Metropolitan Toronto Police Force, over the past ten years, has demonstrated strong commitment to developing an appropriate response to domestic violence. However, while this commitment, in the form of training, routine orders, procedures and monitoring has been commendable, officer accountability is necessary to ensure performance standards are maintained and improved; A “mandated unit” is required to achieve this end (Metropolitan Toronto Police: 1993, 21 in C.A.V.: unpublished document).

C.A.V.’s impact on the policing of domestic violence was thus significant. While the Toronto Police Services developed its policies internally, the organization performed a leading role in the consultation process. This collaboration enabled the enshrining of Duluth’s foundational
principles into police strategies for investigating violence against women. The Toronto Police Services 1993 policy represents the growing influence and success of C.A.V. in their efforts to institutionalize the idea of incorporating the community into official projects to manage domestic violence.

**Crisis in the Courts: The Context**

While C.A.V.’s efforts are clearly important in understanding how the abstraction of community evolved into a central terrain of governance for the criminal justice system, as mentioned above, context is equally critical to understanding why certain social justice initiatives become institutionalized at a particular point in time and why some do not. After succeeding with the creation of a Duluth inspired, police response to domestic violence, C.A.V. undertook the reform of the courts. Once again, they struck gold; at the time the agency approached prosecutors and consulted with provincial M.A.G. representatives about the possibility of experimenting with non-traditional prosecutorial models, the courts and the government were in the midst of a severe crisis of legitimacy. Crown prosecutors were at their wits end over the difficulties reluctant and recanting victim witnesses posed when pursuing cases of domestic violence through the legal system. Local media coverage of domestic violence unleashed public panics about the abilities of the justice system to protect and provide justice to abused women. In addition, when we consider the broader climate in which C.A.V launched its advocacy efforts in the early to mid 1990’s, we cannot overlook the influence of third wave feminism, particularly its effects on the media.\(^\text{30}\) At the time, the issue of violence against women

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\(^{30}\) For instance, two pop culture feminist magazines, *Bitch* and *Bust*, were founded in the mid-1990’s at the height of third wave feminism.
women emerged as a hot topic, as several high profile North American cases positioned the issue at the forefront of media agendas. In addition to pushing the issue of violence against women to the forefront of media agendas, high profile incidents, such as the O.J. Simpson case, also exerted a direct impact on the legal system. In a 2010 evaluation study on 15 U.S. domestic violence courts, the Centre of Court Innovation found that the incident was a direct impetus for the adoption of specialization in three different jurisdictions in Washington (Center for Court Innovation: 2010, 37).

Finally, by the mid-1990’s, the idea of exploring alternative or specialized legal models for addressing social problems, particularly domestic violence, was not a foreign concept. In fact, at the time, especially within the United States, it was becoming somewhat of a fad. The context in which C.A.V advocated for change was thus ripe for feminist legal reform.

One director at C.A.V. credits the media, specifically, *The Toronto Star’s* award winning, eight part series on domestic violence as a key factor in the eventual implementation of the specialized domestic violence courts. The media’s attention to a number of domestic homicides in Southern Ontario also played a role in instigating the panic that led to court reform (Dawson and Dinovitzer: 2008). The murder of Arlene May was one of the first incidents to garner media attention and spotlight the inefficiencies of the criminal justice system. On International Woman’s Day in 1996, Arlene May was murdered by her ex-boyfriend, Randy Iles, who then killed himself. At the time of the incident, the two had been separated and Iles had been under court order to refrain from any contact and communication with May. May had been involved in criminal proceedings against her former partner since November 1995, when a woman’s shelter helped her initiate charges. The Coroner’s inquest into the case summarized the series of administrative and systemic failures that led to May’s murder (Arlene May-Coroner’s Inquest 1998). Despite the fact that Iles was under court order to relinquish his Firearms Acquisition Certificate (FAC), law enforcement failed to secure his compliance. Iles purchased the gun he used to murder May the day before the incident.

31 In addition to pushing the issue of violence against women to the forefront of media agenda’s, high profile incidents, such as the O.J. Simpson case, also exerted a direct impact on the legal system. In a 2010 evaluation study on 15 U.S. domestic violence courts, the Centre of Court Innovation found that the incident was a direct impetus for the adoption of specialization in three different jurisdictions in Washington (Center for Court Innovation: 2010, 37).
A day after the murder, the Toronto Star published the first article in “Hitting Home: Spousal Abuse,” an eight part series of investigative reports on the prosecution of domestic violence in the city’s provincial courts. Star reporter Rita Daley developed the idea for the series a year earlier following the media blitz on violence against women that accompanied the O.J. Simpson trial. Hoping to assess the effectiveness of the prosecution process, Daley and two colleagues spent eight months tracking 133 incidents of domestic violence that had occurred between June 30th and July 6th in 1995. Their findings suggested “failures” at every stage of the criminal justice system, “with judges, crown attorneys [prosecutors], defense lawyers and police pointing the finger of blame elsewhere.” The investigative team found that of the 133 cases tracked, 37 percent fell apart due to victim reluctance to testify. Of the remaining cases that actually made it through the courts, 60 per cent resulted in a conviction. However, the team was quick to point out that most of those convicted received deals, pled guilty to lesser crimes, and rarely incurred jail time or criminal records. As a supplement to their more academic study of the system, the Star included interviews with police and prosecutors about their experiences investigating domestic abuse cases, most of whom spoke openly about the failures of the system. Under the headline, “Our system isn’t working, top crown [prosecutor] says,” Paul Culver, Toronto’s Chief Prosecutor at the time boldly declared, “I think a lot more can and should be done” to stop abuse. These open admissions of systemic failures from the legal experts themselves, combined with quantitative evidence supporting their claims, provided C.A.V. with a prime opportunity to develop the requisite coalitions for court reform.

Prosecutorial Dilemmas, Recanting Witnesses and the Initial Seeds of Specialization

According to a director at C.A.V., the organization encountered few obstacles when attempting to build coalitions with crown prosecutors, given the growing prosecutorial concerns over the ability of the courts to effectively address domestic violence cases. As noted earlier, frustrations of prosecutors largely stemmed from the dilemmas posed by recanting and reluctant witnesses, a problem created by the system itself through the incorporation of zero tolerance policing and prosecutorial strategies. The mandatory charge policy, which has been in effect in Ontario since the early 1980’s, insists on the removal of both police and victim discretion in cases of domestic assault. The practice directs officers to lay charges when reasonable grounds exist, regardless of whether victims choose arrest as their preferred course of action or not. The notion of “reasonable grounds” can arise from a victim’s statement alone; if a woman calls the police to report an assault, an officer will lay charges, regardless of whether or not visible or corroborating evidence exists. Similar policies bind crown prosecutors once cases reach the courts, though not to the same degree as the police. Although they are the only figures in the criminal justice system equipped with the capacity to withdraw charges, their directives caution that withdrawal “is not appropriate unless exceptional circumstances exist” (1993: Crown Policy Manual, 4 in Dawson and Dinovitzer: 2001, 602). Thus, as a consequence of these directives, crown prosecutors frequently found themselves in a position where they could rarely obtain convictions due to weak cases. Unable to drop such cases, they would pursue them to no avail.

By 1995, C.A.V. focused its efforts exclusively on reforming courts. Crown prosecutors at the time were extremely receptive to C.A.V.’s involvement, given their interest in exploring different court models that would provide them with the legal tools to more effectively address
victim concerns. Along with initiating a court initiative similar to the one in Duluth, where community organizations would perform a key role in the provision of counseling, monitoring offenders and systemic accountability, C.A.V. also looked to San Diego for guidance. San Diego’s specialized courts are widely considered to be paragons of feminist criminal justice reform within the anti-violence movement, largely due to their implementation of a 52 week, court mandated counseling program. Apart from the mandated, year long counseling component, three elements of the city’s specialized prosecution process particularly appealed to C.A.V.: the deployment of a “victimless prosecution” during trials of domestic violence, the emphasis on early intervention in cases of domestic violence involving first time offenders, and a coordinated prosecution strategy, which entailed developing a dedicated team of attorneys trained to prosecute domestic violence cases. C.A.V.’s director consulted with Gail Strack, a national domestic violence advocate and an attorney in San Diego’s courts, on several occasions, and eventually succeeded in generating interest amongst provincial government representatives and several crown attorneys in deploying the San Diego’s model as a foundation for Toronto’s court reform project. The provincial M.A.G. sponsored Strack, to travel to Toronto and personally consult with the crown prosecutors interested in initiating prosecutorial reform. These consultation sessions between C.A.V., Strack and crown prosecutors directly led to the implementation of the first two specialized court projects at the Old City Hall and North York court houses. As one director notes:

So we were talking to this woman, Gail Strack, a prosecutor from San Diego, who had come up here to speak. And she [advised], ‘if you want to do this right, you are going to have to expect that women will not want to testify. [Did C.A.V. sponsor her visit?] No, I

34 The latter two features are not specific to the San Diego specialized courts; they are more general features of the specialized domestic violence court process.
think the Ministry brought her up, but it was because we [C.A.V.] were talking about it. And we had a dinner with seven crowns. And at that time, two crowns from Old City Hall court said that we really want to try a specialized court where we can try coordinated prosecutions. And at the same time, [another crown prosecutor] wanted to [find a way to address] cases where it was really clear that the couple wanted to be together. So she had this idea of getting the guy to plead guilty and have him do counseling. So the point is that with us, we had two people in the system who wanted to do something.

Crown prosecutors were thus amenable to working with C.A.V. and exploring alternative models for prosecuting domestic violence.

While C.A.V. played an integral role in encouraging the legal system to adopt specialized domestic violence courts, it is important to contextualize the organization’s success within broader efforts to adopt court models that problem solved, rather than simply prosecuted.

Although Toronto’s specialized domestic violence courts were the first to emerge in Ontario, Winnipeg implemented the country’s first court in 1990. In addition, around the same time that Toronto experimented with specialization, a handful of municipalities were engaged in similar pursuits. Calgary, for instance, implemented its Homefront court between the years of 1999 and 2000. The Yukon established its first court in 2000 (Ursel, Tutty and LeMaistre: 2008). Beyond domestic violence, drug abuse also came to be viewed as a problem in need of a specialized legal intervention. Canada’s first drug court opened in Toronto in 1997 (Bakht: 2005). In 1999, following the R V. Gladue Supreme Court decision, which mandated the judiciary to consider non-custodial sentences in cases involving Aboriginal offenders, Toronto established specialized Aboriginal courts.  

Beyond Canada and within the United States, where problem solving courts have been far more of a fad, the emphasis on implementing specialized legal initiatives was

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35 I will compare these different models of specialized court in Canada with Toronto’s court with regards to the degree of community involvement towards the end of the chapter.
even stronger throughout the 1990’s. While exact figures are difficult to come by, the National Center for State Courts estimates that approximately 160 domestic violence courts were operating in the United States in 2000 (Bradley et al: 2010). In addition, figures illustrate that over 500 drug courts have been implemented in the United States since Dade County developed the first one of its kind in 1984 (Berman and Feinblatt: 2001).

While scholars, such as Nolan (1998) have attempted to categorize the evolution of these courts as a “movement,” in reality, each of type of court differs with regards to origins. In addition, models also differ within categories; for example, a domestic violence court in North Carolina can look very differently from one in Manitoba. However, one feature specialized courts do tend to share is an emphasis on community involvement (Berman & Feinblatt: 2001). Thus, although Toronto’s specialized courts and the provincial government’s eventual adoption of the community-criminal justice partnership can be directly traced to the Duluth model and C.A.V.’s advocacy efforts, the strategy was neither novel, nor foreign within the field of criminal justice reform. However, Toronto’s domestic violence initiative stands out for the influence of the community in institutionalizing the practice and for its direct role in prosecuting domestic violence. I will address C.A.V.’s influence on the prosecution process in the latter half of the chapter.

**Political Changes: “Together, as Partners”**

C.A.V. advocates cite the election of the extreme right wing, Harris government in June of 1995 as a critical moment in the eventual adoption of the specialized domestic violence courts in Toronto and the institutionalization of the coordinated community response discourse. Acting pragmatically, the organization “seized” on the Harris government’s “law and order
appetite” to implement its criminal justice reform agenda and worked closely with representatives from the provincial M.A.G. to advocate for specialized courts. By the end of the decade, the grassroots discourse of the coordinated community response became the official parlance of the Conservative government. As the community expert on domestic violence and criminal justice reform, representatives from C.A.V. testified at inquests into the death of Arlene May discussed earlier, as well as a second domestic homicide involving Gillian Hadley in June of 2000. With regards to the inquest findings from the first case, Dr. Bonita Porter, Coroner, declared: “A combined effort must be made by our Government and Communities in order to put an end to family violence” (Arlene May-Coroner’s Inquest 1998). The jury’s overarching recommendation was for the police and courts to develop a “seamless response” to incidents of domestic violence throughout Ontario (Arlene May- Coroner’s Inquest 1998). Porter struck a Joint Steering Committee composed of equal numbers of community based and government experts on domestic violence to administer her recommendations. The verdict encouraged both groups to work “not as competing interests, but together, as partners” to correct the “patchwork of victim services formed throughout Ontario due to a lack of communication, cooperation and coordination” (Arlene-May Coroner’s Inquest 1998). These recommendations were reiterated in the Hadley inquest jury recommendations in February of 2002 (Gillian Hadley Jury Recommendations 2002).

In response to these recommendations, the M.A.G. struck The Joint Committee on Domestic Violence, to draft and initiate the requisite reforms to seal the systemic cracks. In 1999, the committee published, “Working Toward a Seamless Community and Justice Response to Domestic Violence: A Five Year Plan for Ontario,” which led directly to the rolling out of the specialized domestic violence courts throughout the province (Department of Justice: 2005). Between 2000 and 2001, state calls for a coordinated response continued to surface in
government publications and the media. A ministerial review of spousal assault policies conducted in 2000 for instance, recommends that jurisdictions “continue to explore options to improve the handling of spousal/partner abuse cases through the delivery of a co-ordinated justice system response,” which includes the following elements: “a co-ordination of a justice system response, in policy and practice)” and “co-ordination with a range of other service providers” (Department of Justice: 2005, 46-47).

By 1997, C.A.V’s partnership with the provincial government became official; M.A.G. enlisted the organization to oversee and implement the Ontario’s first specialized domestic violence courts. The position required C.A.V. to perform the following: train all criminal justice personnel for their responsibilities in the specialized courts; act as a “watchdog” over the specialized court process to ensure the objectives of systemic accountability, offender accountability and victim safety; select, train and manage the ten grassroots organizations delivering P.A.R. counseling through the courts; and to assist with the administration of the specialized domestic violence plea court model. Between 1997 and 1998, C.A.V, in conjunction with crown prosecutors and provincial government representatives piloted Toronto’s first two courts: the Coordinated Prosecution trial court, or “K” Court, and the Early Intervention Domestic Assault Program (D.A.P), which operated as a plea court. Community organizations and the principle of coordination are central to both prosecutorial strategies.

**Specializing the Courts: “K” court and the Coordinated Prosecution Trial Model**

Inspired directly by San Diego’s efforts to enhance and streamline the prosecution of domestic violence, C.A.V. and its court and government partners launched K-Court to provide a
more “vigorous” and “coordinated” prosecution of male violence (Anderson-Gill & Associates Consulting: unpublished document, 4). Achieving both objectives necessitated an overhaul of existing court practices, most of which were largely administrative. To enable crown prosecutors to prosecute “vigorously,” K-Court reforms involved several factors: dedicating crowns to individual cases, which allowed them to follow incidents from the beginning to the end of their systemic trajectories; providing crown prosecutors with the space and time to meet with victims personally prior to their trials; a heightened commitment to pursue cases in trial courts, regardless of whether a complainant chooses to testify; and the consistent acquisition and review of corroborating evidence often overlooked in the regular trial courts, such as video, audio or written statements, 911 calls and photographs (Anderson-Gill & Associates Consulting: unpublished document, 7). While C.A.V. initially advocated for San Diego’s strategy of a “victimless prosecution,” this objective was not possible due to structural differences between American and Canadian criminal justice systems. Reformers thus ultimately settled for procedural shifts that would enhance a crown prosecutor’s familiarity with individual cases, and ensure their access to as much corroborating evidence as possible to avoid solely relying on victim testimony.

To achieve the goal of a coordinated prosecution, reformers focused on streamlining communication between crown prosecutors, the police, probation officers, the Victim Witness Assistance Program (V.W.A.P.), victims and the grassroots organizations providing counseling to abusive men. The Toronto Police Services domestic violence policy that C.A.V. helped develop, which mandated the creation of specialized domestic violence units, performed a crucial role in the process. In K-Court, all cases were assured an assignment to a specially trained Detective Sergeant (D.S.) and Officer in Charge (O.I.C.), both of whom would remain the leads on their cases from start to finish. In addition, designated officers were required to keep in close contact
with victims and court staff until the resolution of cases. Along with attending all pre-trial, victim meetings with V.W.A.P. staff and crown prosecutors, the K-court project directed all police officers to personally serve subpoenas to victims to ensure they understood the implications of court orders to testify (Anderson-Gill & Associates Consulting: unpublished document, 6).

Within the trial courts, probation officers perform critical roles in ensuring the goals of offender accountability and victim safety. Their enhanced responsibilities for the courts focused on facilitating their communication with the grassroots organizations providing Partner Abuse Response (P.A.R.) counseling. Specifically, C.A.V. emphasized the importance of probation officers making appropriate referrals when locating programs for abusers mandated to attend for domestic violence counseling, an activity that appears to be of minor importance, but is crucial for ensuring a coordinated community response. Probation officers are required to refer men only to the accredited P.A.R. counseling programs operating in accordance with the joint C.A.V. and the provincial government’s standards and guidelines. Doing so would not only ensure that abusive men received counseling modeled on the Duluth curriculum; the practice would also guarantee that only those community-based organizations familiar with and trained to operate in accordance with the specialized court process would monitor men involved in the criminal justice system.

Finally, streamlining all domestic violence cases into one court room with a dedicated judge was also a central principle of the coordinated prosecution court model. When K-court first began, judges were assigned to the courts on a rotational basis for the same week each month, for a period of three months. Since cases follow judges once offenders have entered
guilty pleas, this administrative procedure ensured that incidents of domestic violence remained within K-Court from the beginning till the end of their cases.

**The Domestic Assault Project (D.A.P)**

The second specialized domestic violence court model C.A.V. and the team of collaborating crown prosecutors developed and spearheaded was the Early Intervention (E.I) specialized plea court, which was initially referred to as the Domestic Assault Project (D.A.P). As with K-Court and the coordinated prosecution model more generally, only dedicated and trained crown prosecutors have the authority to prosecute domestic violence cases and screen incidents for EI eligibility. Administratively, the model also necessitates a dedicated court room and ideally, dedicated, yet rotating judges. Reformers advocated for the court as a mechanism to address the large volume of “low-risk” cases in which victims preferred to reconcile with offenders and expressed a reluctance to resolve charges via the criminal justice system. In addition to developing a better method for resolving the prosecutorial hassles that emerged from cases involving reluctant witnesses, implementation of the court model was also heavily fueled by crown concerns that criminal justice intervention in relatively minor incidents involving first time offenders often harmed, rather than helped, abused women and their families (Anderson-Gill & Associates Consulting: unpublished document, 11). Recognizing that in many instances, victims were materially or linguistically dependent on abusers, the team of prosecutors and C.A.V. worked to develop a criminal justice intervention that would provide victims with the option of reconciling with their partners as quickly as possible after an arrest without withdrawing charges.
In its original incarnation, the D.A.P, now known generally as the Early Intervention plea court (E.I.), restricted eligibility to incidents involving first time offenders, in which victims sustained no injuries and no weapons were used. The stated objective of the project was to ensure early intervention in “low risk” cases of abuse. C.A.V. and crown prosecutors designed the plea court as an “opportunity” for men to address their abusive behavior. If deemed eligible, the D.A.P. offender is presented with two options: he can plead guilty to the incident, enter a P.A.R. program and receive one of the two standard sentences for the court, or he can plead not guilty and prosecute his matter in the coordinated prosecution trial court. Should he opt for the first trajectory, prosecutors will amend the no-contact condition of his bail, but only if the victim in the matter requests contact. After pleading guilty, the court will put the matter over and delay sentencing for 20 weeks, in order to give the offender time to complete his counseling program, which he is mandated to attend while on bail. After he completes the program, the offenders will return to court for their sentencing.

As in all cases of plea bargaining, prosecutors deploy the disclosure of an offender’s potential sentence as incentive to resolve the matter via a guilty plea. In the context of DAP, the recommended crown practice is to offer conditional discharges in as many cases as possible, provided that the accused successfully completes his 16 week P.A.R. program and abides by all the conditions of his bail order (Anderson-Gill & Associates Consulting: unpublished document, 14). A conditional discharge is legally understood as a finding of guilt, which can be erased from an offender’s record within a two year time frame. In addition to the expedited processing of his case and the prospect of returning home, the sentence is meant to be an additional carrot for the accused to resolve his case via the plea court.
The Early Intervention Courts and C.A.V.’s P.A.R. Coordinator

In the years following the launch of the first two pilot courts, C.A.V. expanded both the Coordinated Prosecution trial court and the Early Intervention court (E.I) to each of the remaining court houses. Most of C.A.V.’s implementation and training efforts centered on the E.I. court, given the distinctions between this prosecution model and a typical plea court. Specifically, the court is designed to ensure consistency and familiarity amongst all of the key players involved in the court. Administratively, this objective entails designating a dedicated court room and time for the prosecution of cases. Thus, in all five court-houses, all E.I. matters meet either once a week at the same day and time, or twice a month, again on the same day and at the same time. Unlike most plea courts, victims in cases are strongly encouraged –and in some cases, required –to attend, unless they cannot be located. Before each session, representatives from the Victim Witness Assistance Program (V.W.A.P) contact all victims to either request their presence, or at the very least, obtain their input on bail conditions, particularly if they express safety concerns, or they want their partners to return home.

Another unique feature of the E.I. court is the routine presence of a C.A.V. administrative worker known as the “P.A.R. Coordinator.” When the provincial government developed its partnership with C.A.V. in the late 1990’s, the organization insisted on creating and securing core funding for the position. C.A.V. argued that such a position was essential for ensuring and enhancing coordination within all of the city’s E.I. courts between the ten grassroots organizations providing P.A.R. counseling, the police, each court’s team of designated domestic violence crown prosecutors, and V.W.A.P. staff. Along with acting as a liaison between the community and the criminal justice system, the job entails referring offenders who wish to enter into P.A.R. counseling to the most appropriate agency based on language needs, ethno-racial background and work schedule.
Within the E.I. courts, the responsibilities of C.A.V.’s P.A.R. Coordinator are purely administrative; for all new referrals through the court, the coordinator’s job is to conduct a very basic intake interview with offenders, fill out the requisite paperwork, and fax the forms to the counseling organization she and the offender select. In addition, for all those returning to the court, the P.A.R. Coordinator is required to facilitate the transmission of completion reports from the counseling agencies to the prosecution and defense in time for an offender’s sentencing. In addition, given her routine presence in each and every session of the city’s E.I. courts, the C.A.V. worker is also expected to keep an eye on the general administration of the courts and report any problems to her organization’s executive director.

Outside of the E.I. courts, the P.A.R. coordinator acts as a co-manager for all ten of the accredited grassroots counseling organizations. This aspect of the position entails convening monthly P.A.R. meetings, which are regularly attended by one representative from each of the P.A.R. agencies, and troubleshooting any problems that may arise within the daily running of P.A.R. programming. It is in this specific capacity that the P.A.R. Coordinator performs a very critical and direct monitoring function. For instance, if an offender misses more than two sessions, or attends for group under the influence of substances –both of which constitute breaches of bail –counselors must notify C.A.V.’s P.A.R. Coordinator and contact the police officer handling the case to lay a charge. The P.A.R. Coordinator then contacts the head domestic violence crown prosecutor for the appropriate court to notify her of the breach and arrange for the offender’s early return to court. Although this appears to be a very simple and straightforward administrative task, under regular court conditions, such a minor adjustment has the potential to wreak total havoc on the prosecution of the case, given the bureaucratic and administrative hassles associated with locating court briefs, notifying offenders and defense counsel of new dates, and ensuring that briefs are filed appropriately following the change.
Thus, as a liaison between the courts and the counseling organizations, the P.A.R. Coordinator ensures that all involved parties are aware of the change, which in turn ensures offenders do not become lost in the gaps of the system.

The idea for developing a P.A.R. Coordinator was borrowed directly from Pence’s Duluth Abuse Intervention Project (D.A.I.P) discussed earlier. In general, this type of position –where an administrative coordinator based outside of the legal system, performs a coordinating function in the courts which involves speaking directly to defendants –is not common. In fact, in some jurisdictions in the United States, it is considered unacceptable within specialized legal initiatives. For example, the Center for Court Innovation’s recent evaluation project of 15 specialized domestic violence courts reveals that stakeholders advocating for such positions in some instances encountered significant opposition from the defense bar, which argued that “a resource coordinator is not a certified treatment provider and not bound by the confidentiality restrictions” (Bradley et al: 2010, 37). Equivalents of C.A.V.’s P.A.R. Coordinator do not appear to exist within the Canadian context either. For instance, although a community organization called Homefront performed a significant role in developing Calgary’s specialized domestic violence courts, their coordinating function did not result in the creation of a permanent staff person in the actual courts. While Homefront caseworkers do assist with the everyday administration of the city’s specialized courts, they work only with victims, not offenders. In addition, whereas initially caseworkers performed their victim support responsibilities from the organization, as they became increasingly involved with the legal system, they were relocated to the police station (Hoffart and Clark: 2004). The same can be said for the domestic violence courts in Winnipeg, which were initiated and continue to be predominately administered by criminal justice actors and provincial government representatives (Ursel: 1997). Similar P.A.R. Coordinator positions are also absent from sites in Saskatchewan and the Yukon (Boyes: 2008)
(Hornick et al: 2008). Thus, C.A.V.’s P.A.R. Coordinator and her routine presence in the legal system is a unique feature of Toronto’s specialized domestic violence courts.

**An Average Day at The Early Intervention Domestic Violence Court: The Template**

The E.I. court is designed to function as an assembly line. In addition, much of the process – specifically, the first hour – occurs during informal court proceedings, when the courts are technically closed for lunch. In its ideal form, the E.I. process begins with a fifteen minute information session delivered by the crown prosecutor for offenders and victims about the objective of the court, the purpose of the P.A.R. counseling program and procedural information. Many crowns often throw in a short lecture on the problem of domestic violence, its impact on families and relationships, and the importance of early intervention in minor cases of assault. After the session, the crown prosecutors and VWAP staff direct any victims in attendance into a separate court room to discuss any specific and individual concerns they may have, such as alcohol abuse or child custody issues. They also explain the concept of “contact with written revocable consent,” the standard condition of bail imposed once “no contact” conditions are lifted, in the event victims wish to continue to reconcile with their partners. Victims are instructed on how to write and pass a note declaring their consent to their partners without risking a breach of bail. They also learn how to revoke their consent should they wish to withdraw it. Meanwhile, back in the court room, defendants are directed to discuss their options with their defense attorneys or duty counsel, who are required to be present in the

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36 Although as of 2003, government documents indicate that 22 specialized domestic violence courts were in operation in Ontario, I could not locate any information, including government documents, evaluation reports or scholarly articles on any other specialized court site in the province outside of Toronto.
court throughout the entire duration of the process and not only for the formal proceedings. If a defendant chooses to plead guilty and enter a counseling program, he is then directed to speak to C.A.V.’s P.A.R. Coordinator to arrange his enrolment.

Technically, the P.A.R. Coordinator’s responsibilities are purely administrative; her intake session involves simply referring offenders to the most appropriate counseling program based on work schedule, language needs and ethno-racial background. Her interview is not a therapeutic assessment. Initially, the P.A.R. Coordinator was only required to complete two forms with the defendant: an intake form, which collects his demographic and contact information, and more importantly, the referral form. The referral form is a signed acknowledgement that the offender understands he is required by law to contact the P.A.R. program to which he was referred within 48 hours of the date of his referral. Once she finishes the paperwork, the P.A.R. Coordinator is required to fax the documents to the selected P.A.R. organization within 24 hours. Though transmitting the forms is a minor administrative function, it enables the monitoring of offenders by both the P.A.R. agencies and the courts. Should an offender not show up within the 48 hour time period, the counselors will contact the officer in charge of the case and the P.A.R. Coordinator, who in turn contacts the crown attorney.

Official court proceedings begin when the judge addresses the court. At this time, offenders will enter their guilty pleas, the crown prosecutors will amend their bail conditions and the cases will be put over for a period of 20 weeks. When offenders return to court for sentencing, the P.A.R. coordinator will ensure the timely receipt of all closing reports from the counseling agencies and distribute copies to the defense counsel and the crown prosecutors.
C.A.V.’s PAR Coordinators: The “Everything Girls”

The account just provided describes the responsibilities of C.A.V.’s P.A.R. Coordinator on paper; as illustrated, technically, her job is confined to the realm of the administrative. However, in reality her role extends regularly far beyond the coordinating function initially envisioned. As one of C.A.V.’s first P.A.R. Coordinators between the years of 1999 and 2001, I experienced the broadening of the responsibilities associated with the position first hand. The expansion of my role beyond the realm of the administrative had much to do with the fact that C.A.V. at the time was in the midst of implementing and expanding the E.I court process to all five provincial court houses in Toronto. As a result, my specific responsibilities regularly included just as many program development tasks as administrative ones. Given my involvement in assisting and training court staff, including crown prosecutors, on the E.I court process, I was often viewed as far more than just administrative support. For example, one crown prosecutor used to refer to me (jokingly) as “the boss.” Another gave me the title of “Everything Girl,” because I was often the point person for various court personnel. In addition, in these early days of implementation, crown prosecutors and duty counsel heavily relied on me for information about the counseling programs and for assistance in drafting C.A.V.’s recommended bail conditions for defendants. Eventually, I designed a bail condition template to enable the crown prosecutors to easily read the requisite conditions to the court clerk and judge. The template is now a standard document in all of the specialized plea courts.

Despite my increased responsibilities, when it came to interacting with defendants, I operated very much by the books. The P.A.R. Coordinator position is technically circumscribed by very strict directives from the provincial M.A.G. to only provide referral services during intake sessions, and to never discuss the facts of cases with offenders. This was a guiding principle of
the position, emphasized both by C.A.V. as well as all the of domestic violence crown prosecutors at the time. Upon returning to the courts for observation seven years later, however, I was surprised to find that the job has become significantly less administrative and far more legal, particularly in the courts where the P.A.R. Coordinator has been the only consistent figure in the prosecution process for a significant period of time.

To illustrate this evolution of C.A.V.’s P.A.R. Coordinator, the following section will draw directly from my field notes to describe a work day in the life of Sheila, C.A.V. most senior P.A.R. Coordinator, who is based at the E.I. court in Westbrook provincial court house. This account is representative of the several sessions of court observation I documented at this particular location between the years of 2007 and 2009. In addition, the narrative is also informed by my own memories of working in the E.I. courts, which capture the shifts in the position over time. I have chosen to illuminate Sheila’s augmented role with direct reference to my field notes because they allow for a dynamism that cannot be captured through synopses of ethnography.

“Great! I’ll Tell the Court that Sheila is Okay with This:” The P.A.R. Coordinator as a Quasi-Legal Expert

Sheila first interned with C.A.V. in 2001 for her student placement while attending a local college, where she was training to become a corrections officer. As a student, she worked on various projects and was eventually hired as an administrative assistant in 2002. When she became an official employee of the organization, C.A.V. trained Sheila to work as a “back-up” P.A.R. Coordinator. The agency required “backups” because at the time, the provincial government only provided C.A.V. with enough funding to hire two full time coordinators. Given that the E.I. courts could not run without the P.A.R. Coordinator, it was not uncommon for
administrative assistants to regularly fill in for the position in the event that the official Coordinator was absent. In 2004, Sheila was promoted to “PAR Probation Development Coordinator,” a new position that evolved when the provincial government enlisted C.A.V. to coordinate the intake and referral responsibilities for probation officers. Eventually, she took on the added responsibility as the official P.A.R. coordinator for the Westbrook and the Glendale E.I. courts.

In the summer of 2009, I returned to Westbrook provincial court house to observe their E.I proceedings and Sheila’s role during the intake and referral process. In accordance with the best practices of the E.I. court, every session of the Westbrook plea court begins with an extensive 15-20 minute information session about the purpose of the specialized court process.

I sit in the back of the court room and listen as the prosecutor describes the purpose of the court, the P.A.R. counseling programs, and the “difficulties in prosecuting cases, due to ongoing relationships, shared property and children between the accused and the victim…”

After the crown prosecutor finishes the information session, she directs all the offenders to discuss their options with defense counsel and to speak to Sheila if they are interested in enrolling in the program. I notice that the public defender is not in the room. In the past, one – the same one in fact, a man named James – was always available in the court from start to finish for those who did not have their own counsel. The standard routine was for offenders to speak to the public defender before speaking with the P.A.R. Coordinator. I make note of his absence and follow Sheila. With a stack of crown prosecutor’s briefs in her hand, she leads a line of potential P.A.R. program attendees out the door.

It is standard practice for the P.A.R. Coordinator to conduct her intakes outside of the court room, since the process rarely finishes in time for the start of court. In order to avoid
disruption when the judge enters the court room and formal proceedings begin, she remains in
the hallway until all the referrals are complete. Sheila pulls a folding table out from behind one
of the court benches and jokes about how much more “official” the position has become since
the early days. Back when I was the P.A.R. Coordinator and Sheila was in training, we had
nothing but the bench and our laps to fill out the requisite paperwork.

Westbrook court, which meets weekly, is one of the busiest E.I. courts. Combined with
the general mayhem of the hallways during the court’s lunch recess, the intake process is often
chaotic. Sheila maintains order through assigning each person a number and directing those
waiting to take a seat on the bench opposite her. She begins her intake interview with offender
#1, Mr. Smith, with a series of routine questions. Specifically, she asks, “So, do you understand
today that you will be pleading guilty? Have you ever been charged in the past?” I wonder why
she is screening for previous charges. As noted earlier, the E.I. court was developed and
reserved for low risk, first time offenders. Not only is the question technically irrelevant;
screening for previous charges is the crown prosecutor’s responsibility, not the P.A.R.
Coordinator’s.

Sheila flips through the crown brief and removes the police synopsis, which is a
summary of the victim’s statement and the events that led to the arrest of the accused. After a
quick read, she instructs Mr. Smith to review the document himself. She then asks him: “Do you
agree with the facts of the case?” Surprised, I scribble a note to myself to ask Sheila about
whether reviewing the police synopsis is now standard P.A.R. Coordinator practice. Originally,
the P.A.R. Coordinator was under strict directives to refrain from discussing the facts of the case
with offenders during intake interviews. These regulations were administered to prevent the
Coordinator from being named as a witness in the case and subpoenaed to testify, in the event
the matter proceeded to trial. In addition, ensuring an accused person understands the state’s evidence against him is not an administrative task; it is a foundational legal safeguard and an integral responsibility of the defense. I wonder about the whereabouts of the duty counsel, who I noticed, is still nowhere to be found.

After Sheila reviews the synopsis and the EI court process, Mr. Smith appears upset. I overhear him ask Sheila whether his charges will be dismissed after he completes his counseling program. Sheila explains that the crown is offering him a conditional discharge and a six month period of probation if he successfully completes all 16 sessions of the P.A.R. program. She then informs him of the implications of a conditional discharge –yet another responsibility of the defense –emphasizing that the sentence is technically not a criminal conviction; it is a finding of guilt that can be removed from his record after a period of three years. “Three years? That’s a long time…” he remarks as he reflects on his decision. Sheila pauses and returns to discussing the police synopsis to re-assess whether Mr. Smith’s reluctance stems from any disputes over the facts which led to his arrest. Although he questions some of the extraneous details of the events as described in the synopsis, Mr. Smith does not deny that he pushed and threatened his partner.

Having ascertained the sources of his hesitation, Sheila then puts on her counseling hat—a standard P.A.R. Coordinator practice- and gently lectures Mr. Smith about using violence to solve problems in relationships and the importance of accepting responsibility for his abusive behavior: “No matter what, the last thing you want is the person you love to be frightened of you. If you love the person and you have a life and family with her, you can’t put the blame on one person. If you don’t confront your use of violence, you will always encounter problems in
your relationship.” Mr. Smith drops his head, reflecting on Sheila’s comments. After a few moments, he replies, “No, I’m guilty.”

Sheila then proceeds with the intake, filling out her forms and reviewing various program options. At the end of the intake session, she pulls another document from the crown brief, which I recognize as the bail template form I had created years ago to assist the crown prosecutor when drafting the appropriate bail conditions when C.A.V. was first setting up the courts. Sheila reviews the bail conditions with Mr. Smith and makes sure he understands that he will be in breach of bail if he does not contact his program within 48 hours, misses more than two counseling sessions, obtains a firearm and fails to keep the peace and be of good behavior. Shocked once again, I make a note to myself to ask Sheila about this, since reviewing bail conditions with offenders is clearly the responsibility of defense counsel. Mr. Smith signs a form to indicate his understanding of the conditions and thanks Sheila. Sheila wishes him luck and reminds him to stop by the Justice of the Peace’s office after his court appearance to sign his bail conditions.

Sheila calls over accused #2 and proceeds with her next intake. I notice that she is rarely able to finish an intake interview without interruptions from various court personnel. The head crown prosecutor picks up a brief and drops off two more. Immediately after, a defense attorney stops by her table to ask her about the possibility of moving his client’s matter to the top of the list. Sheila explains that she still needs to fill out the appropriate paperwork, but that she will ensure it gets done in time for the start of court. He thanks her and walks away. Minutes later, another defense attorney apologizes for interrupting and asks Sheila whether he can negotiate another return date for his client, who is scheduled to appear in court for sentencing. The sentencing report is missing and he is in a hurry to get to the airport. Sheila informs him
that she is aware of the problem and that the report is on its way. The defense attorney advises that he would still prefer to sentence his client at a later date. They negotiate a return date. As he leaves, he asks Sheila for her name, shakes her hand, and exclaims, “Great! I’ll tell the court that Sheila is okay with this.”

Sheila proceeds with the remainder of her intakes. In the vast majority of cases, the interviews are straightforward; most of the offenders minimize, but rarely do they deny the charges entirely. Once in a while, Sheila encounters a “difficult” client. Her interaction with Mr. Taylor is a typical instance. Mr. Taylor had pled guilty to his charges on a previous occasion and returned to the EI court to enroll into the PAR program. While I could not ascertain why he did not complete his intake previously, it was clear that the complications and delays in prosecuting his case were irritating him. As he sits down and waits for his turn, he insists quite loudly: “I just want this over with. I’m engaged and I’ve never hit a woman in my life.” Sheila interrupts her intake with another offender and asks him, “Well then, how do you expect to pass the program? You already pled guilty.” “I pass everything,” he laughs. Sheila rolls her eyes at me, looking annoyed.

Sheila reluctantly begins the referral process with Mr. Taylor. In the midst of it, a woman—who we all quickly ascertain is the victim in the matter—sits beside him. They begin talking, blatantly breaching Mr. Taylor’s no contact bail condition. Sheila gets up, separates them, talks to the woman in private and then directs her to Victim Services. She returns her attention to Mr. Taylor, who is now claiming to have “made a deal” with the prosecutor. “I’m receiving a conditional discharge and no probation,” he insists. “Conditional discharges always come with a period of probation,” she replies. She then advises, “You know, in my opinion, you got a really bad deal. You’ve pled guilty when you claim to have done nothing. If I were you, I
would take the matter to trial. But, that's just me.” Mr. Taylor sighs heavily, looking exasperated. Sheila refers him to the public defenders office, but he insists on self-representation. Sheila shrugs, finishes his paperwork and directs him back to court. “Good luck. And see you in December,” she tells him as he leaves. “Wait- I have to come back?!” he asks her. She sighs and then explains that his return date is for the purpose of sentencing. Looking confused, he wanders back into courtroom.

I hear the announcement signaling the end of the recess and the start of Early Intervention court. Finally, the public defender appears. He stops by Sheila’s table to touch base about the cases on the docket for the day. “Do you have the brief for Mr. Lin, he asks? Can you tell me what his sentencing recommendation is?” Sheila replies that it is either a conditional discharge or a peace bond. They spend a few moments reviewing the details of the case. Sheila insists that the accused receive an additional bail condition requiring that he attend for alcohol counseling. He consents and makes note of her recommendation.

I go into the court and observe the official proceedings. It quickly becomes clear to me that Sheila’s quasi-legal role is not limited to the informal intake process or hidden behind the scenes. Many times, the crown prosecutor openly refers to her expertise and knowledge during the formal court proceeding. In one case, Mr. Phillips, had just finished entering his plea of guilt and the court was on the verge of amending his bail conditions to mandate his participation in a counseling program. The prosecutor then stopped the process, requesting a brief indulgence to review a note in her brief. She then told the judge that she could not allow the case to go forward, having just discovered a note from the P.A.R. Coordinator, and proceeded to relay the contents of the note to the court. According to Sheila, during the referral process, the accused had divulged a version of events that was not entirely captured in the police record. As a result,
Sheila recommended the prosecution review the new evidence before proceeding with the plea and put the matter over for a latter date. The court then struck Mr. Phillip’s guilty plea and proceeded with her recommendation.

**Sheila as a “Second Set of Eyes”**

I left the court that day bewildered as to how Sheila evolved from an administrative worker to a hybrid defense-prosecutor. I observed similar changes in her responsibilities at Glendale, her second court. The changes in Sheila’s coordinating responsibilities were not representative of a larger shift in the P.A.R. Coordinator role. In my observations of the remaining E.I. courts, I found that the other two P.A.R. Coordinators perform much in line with the original vision of the position as administrative court support. Based on my court observations and interviews with C.A.V. staff members, Sheila’s augmented role is not solely a consequence of her routine presence in her courts for close to a decade. It also has much to do with significant cuts to legal aid over the past five years. Interestingly, despite the fact that the legal aid cuts have occurred across the board, they have only resulted in a circumscription of duty counsel services in Sheila’s two E.I. courts. While the duty counsel office in Westbrook is now closed entirely during the EI information and referral session, in Glendale, Sheila’s second court, the office struggles to keep up with the demand for services and is consistently “slow to respond.” To cope with these limited resources, the court now relies on Sheila to perform as a support for the crown prosecutor and to administer services to domestic violence offenders more typical of duty counsel. During her interview, Sheila commented on the shifts in her responsibilities over the years, as well as how the courts view her quasi-legal position:
I find that the intakes are a lot more complex than they used to be. And a lot more has fallen on the shoulders of C.A.V....I think that the [responsibilities of] the crown attorneys and me are much more overlapped...I find that in my courts, they depend on me a bit more to assess whether the offender will be a good fit for the P.A.R. program because you are sitting there and talking to them. Often [the offenders] minimize, or they just don’t understand that a shove can be an assault. So I read through the synopsis—what duty counsel would do—and tell them the facts that constitute the assault. And they will say, ‘well I did push her, but she didn’t fall down the stairs.’ And I say, ‘Well, that’s still an assault.’ And then I will go back to the crown attorney and I’ll say, ‘he’s changing the facts slightly, do you agree with this?’ So, things like that.

And they [crown prosecutors] depend on me now. They don’t mind if I do this, and they don’t mind if I go up to them and tell [them] what I’m hearing.... It’s different at each court, but at my courts, I’m finding that there is a lot more dependency on C.A.V. staff to provide legal advice, to be an extra set of eyes for the crown and to give advice on the P.A.R. programs.

Overall, Sheila noted that the crown prosecutors she works with are generally pleased to have a “second set of eyes” to screen cases, review evidence, provide legal advice and to devise the appropriate bail conditions for offenders. She alluded to several instances in which crown prosecutors mixed up the bail conditions in dual arrest cases, neglected to include a condition for alcohol counseling, or did not read the police synopses for the cases they were prosecuting, which often occurs when another domestic violence crown prosecutor is in charge of screening briefs into court. In these instances, Sheila advised, crown prosecutors were pleased with the additional support and “tended to turn a blind eye” to her expanded role.

Sheila’s increased responsibilities thus appear to be a contingent effect of the specific court networks in which she works. Unlike typical specialized court structures, where the law has been officially modified to incorporate the knowledges and expertise of non-state actors, Sheila’s expertise is constituted after the fact, through the administration of the legal process. In
other words, unlike the Aboriginal courts or the drug courts, where community based experts and social workers are invited to participate in the prosecution process, Sheila’s heightened involvement in governing male violence is far more accidental. Her expanded role is also an effect of the intertwining of neo-liberal and feminist political rationalities, which work together to reinforce the community gaze in governing domestic violence. Over the years, several factors coalesced to produce her legal expertise: the informality of time and space of the E.I. legal structure, which constitutes hallways and lunch breaks as key terrains for the prosecution process; cuts to legal aid; the idealization of coordination and familiarity within the E.I specialized court model, which transforms administrative expertise into a legal expertise; and the foundational role of C.A.V. in developing the position in the first place. Overall, these elements have resulted in an increased role of the community in governing domestic violence and shaping the conditions of punishment for offenders in the Westbrook and Glendale E.I. courts.

**Defining the Prosecution and Punishment of Domestic Abuse**

This story of Sheila’s role in the specialized domestic violence plea court illuminates the significant influence she exerts on the prosecution process. Although on paper, her position is technically confined to the realm of the administrative, by observing how she actually administers her responsibilities within the context of the court network, it is clear that she does far more than just fill out forms and enroll defendants into P.A.R. programs. Through zeroing in on the micro-relations between the P.A.R. coordinator and offenders at a crucial moment where a domestic violence dispute may or may not be transformed into a conviction, it is apparent that Sheila –more so than the defense counsel or the prosecutor –names, blames, and claims the occurrence as a crime (Felstiner, Abel and Sarat: 1981). Her interactions with Mr. Smith, the
first case discussed in the above ethnographic account, exemplifies her influence. After reviewing the facts of the case with Mr. Smith, explaining to him what legally constitutes an assault, and gently lecturing him on using violence against a loved one, she was able to change how Mr. Smith perceived his actions, which resulted in a genuine confession of guilt and ultimately a conviction. In other cases, such as the one which led to the court striking Mr. Phillip’s plea of guilt, she determined the authenticity if his guilty plea and directed how the law should proceed with his case. Observing the offender and PAR coordinator interaction within the context of the court network reveals how central Sheila is to defining the meaning and outcome of a domestic violence dispute.

Additional features of the court network are also relevant to authorizing the community gaze in the Westbrook E.I. court. Sheila’s discretion and influence on the prosecution and punishment of domestic violence is augmented by objects. For instance, Sheila’s table is far more than just a piece of furniture; it is symbolic of the augmented responsibilities she now exercises in the court. Undoubtedly, Sheila was provided with the table for practical reasons, given that she now requires crown briefs and several documents to complete her intake interviews. However, the table, on its own, “acts,” in so far as it enables the assemblage of the administrative and legal knowledges that form the basis of her quasi-legal expertise. In addition to facilitating her access to legal documents, the table also distinguishes her from the general public in the informal space of the hallway, making her identifiable to offenders, victims, defense attorneys and other actors in the E.I prosecutorial network. In this sense, the table is one factor that enables the uncoupling of legal knowledges from the typical legal experts and enables Sheila to evolve into a hybrid defense-prosecutor.
Finally, like the table, documents in the E.I. court network also illuminate the influence of community-based actors and institutions in shaping relations of power (Riles: 2008; Sarat and Sheingold; 2001). C.A.V.’s bail template form is an example of this process. The document allows those enforcing the legal power to punish to merely fill in a series of blanks and check boxes to determine constraints on the behavior and actions of defendants and their conditions of punishment. In so doing, it transforms the legal power to punish into an administrative action. As a boilerplate, the form can easily be deployed by any user, not only the legal professional. In addition, through fixing conditions, the bail template form allows for the routinization of legal power. The deployment of the form years after its creation by C.A.V. in all of the E.I. courts illustrates how the community organization governs at a distance and exerts a routine influence on the punishment of offenders. The fact that the responsibilities of filling out and explaining the form now fall on the shoulders of Sheila reveals the more direct influence of non-state actors in the everyday administration of the E.I. court process.

**Peace Bonds, Funding Woes and the “P.A.R. Freeze”**

In the story just told, the E.I. court represents an instance where the adversarial structure of the legal system materializes as a collective network of state and non-state actors. However, within the context of Toronto’s specialized prosecution process, the terrain of the E.I. courts does not always materialize in this way. Rather, at times, it erupts into a tug of war, where counselors and crown prosecutors battle over the concept of meaningful punishment, the governance of domestic violence offenders, and the rules of the E.I. prosecution process. This third and final story describes how P.A.R. providers exerted their influence on the legal power to punish through launching a boycott of the courts, an incident that came to be known as “The P.A.R. Freeze.”
In 2006, PAR program providers, along with C.A.V., launched a boycott of the E.I. court process. All of the agencies collectively decided that they would not accept any referrals from any of the courts, a move which effectively “shut down” the E.I. prosecution process for almost two months. The conflicts between the courts and the P.A.R. providers first emerged when prosecutors began offering peace bonds to E.I. offenders in exchange for their enrollment in the P.A.R. program. In peace bond cases, offenders do not plead guilty before entering their counseling programs. In addition, if the defendant successfully completes his program, the crown prosecutor will withdraw all charges and place him on an order to keep the peace, rather than sentence him to the standard conditional discharge or suspended sentence. These practices deviate significantly from the original vision of the E.I. court, the Duluth model’s emphasis on “meaningful” and harsh punishments for offenders, and the C.A.V./M.A.G. Standards and Guidelines. The changes triggered significant concern amongst several P.A.R. providers.

To be sure, the changes in crown practice in the E.I. courts were not the result of a sudden shift in philosophical principles, a resistance to the feminist practices as enshrined in the guidelines, or a lack of consideration of victim safety. Rather, the deviation from the original rules governing the process resulted from a series of hurdles prosecutors experienced as the E.I. courts evolved over time. According to C.A.V. staff, the erosion of the court’s founding principles was a direct result of two phenomena: increased border controls following the 9/11 and an evolving “P.A.R. industry” amongst defense attorneys. Both factors placed significant pressure on crown prosecutors to forfeit the Duluth principle of harsh criminal penalties for abusive behavior. After September 11th, prosecutors were finding it increasingly difficult to plea bargain in the E.I. courts as a result of due process concerns stemming from how conditional discharges were being perceived at American border crossings. Although technically, the
sentence is a finding of guilt and not a criminal record, immigration officials stopped recognizing the distinctions between the two. When Canadian courts developed an awareness of the problem, the meaning of the conditional discharge as an appropriate sentence for first time offenders began to shift.

The 9/11 defense eventually surfaced as a recurring prosecutorial hurdle for crown prosecutors as the EI court evolved into an industry for defense attorneys. The strategy spread through word of mouth amongst a small network of defense lawyers, who had “tapped into the PAR industry and realized how profitable it was.” The appeal of E.I. cases was largely due to the fact that lawyers could charge fairly large retainer fees for a limited amount of work. As a plea court with standardized sentencing recommendations, defense attorneys rarely had to engage in extensive negotiations with the prosecution when plea bargaining. When word spread that the 9/11 strategy was an effective means to negotiate for peace bonds in weak cases that were likely to result in acquittals if brought to trial, others began to deploy it as well, regardless of whether or not offenders actually travelled for work.

From the perspectives of prosecutors, mandating offenders to attend for counseling while on bail and offering peace bonds as a carrot for an offender’s participation were far better options than withdrawing charges or risking acquittals. At the very least, they argued, offenders would receive help for their abusive behavior, which would ultimately benefit victims. In addition, since offenders would attend for counseling while on bail, in the event they did not comply with program regulations, the court had the ability to breach them.

From the perspectives of PAR counselors, however, peace bond offenders were “nightmare clients”; without guilty pleas to rely on as leverage, PAR counselors encountered significant hurdles in achieving offender accountability, the core principle and ultimate objective
of the Duluth counseling intervention. Counselors also expressed concerns that the courts were becoming increasingly lenient on offenders and complained that prosecutors were breaching provincial regulations. With the standards and guidelines on their side, the PAR agencies, with the support of C.A.V., launched a boycott of all the E.I. courts and stopped accepting referrals. The agencies threatened to continue their boycott until the M.A.G. developed a solution to the problem.

However, complaints over the proper administration of the E.I. courts were not the only grievances fueling the P.A.R. Freeze; funding concerns also played a role in the boycott. The conflicts between the provincial government, the P.A.R. organizations and C.A.V. first evolved in the early 2000’s, when the M.A.G. expanded the specialized courts to Toronto’s remaining provincial court houses, yet refused to increase funding to the P.A.R. providers to accommodate the expansion. As the manager for all the P.A.R. providers, C.A.V. exerted significant pressure on the provincial government to provide more funds to prepare for the newly implemented courts. To be sure, C.A.V.’s advocacy role was in accordance with their assigned and agreed upon responsibilities with the provincial government. When the M.A.G. and C.A.V. developed their partnership in the late 1990’s, the former agreed that the agency would operate as both an intermediary and advocate for the agencies. Their initial funding arrangements reflected this protocol. In the early years of the partnership, the M.A.G. released all money for P.A.R. programming to C.A.V., who then worked directly with all ten of the grassroots organizations to determine the appropriate distribution of funding to the counseling agencies. In addition, each of the P.A.R. providers contracted directly with C.A.V. and not the provincial government, to administer their roles in the courts. Whether or not this was anticipated by the M.A.G., this funding relationship enabled all of the P.A.R. providers and C.A.V. to operate as a collective when negotiating their finances with the provincial government, which the agencies preferred,
given that most had already worked with C.A.V. long before the M.A.G. implemented the courts. However, a few years into the project to specialize the courts, the provincial government shifted its arrangements and proceeded to cut C.A.V. out as the intermediary in the funding relationship. Although M.A.G. required C.A.V. to continue to manage the roster of P.A.R. providers, their new funding arrangement involved direct, individual contracts with each P.A.R. agency. According to several P.A.R. counselors, this change effectively numbed C.A.V.’s ability to advocate for P.A.R. programming. One program director reflected on these changes, lamenting their impact on the coordinating agency:

Initially, when this [project] was first created, the M.A.G. contracted only with C.A.V. After the creation of the program, they chose to have separate contracts with each agency as service providers. The contract with C.A.V. became only for coordination. And that was a hugely significant change, because it really put C.A.V. in a position where it had responsibility, but no authority. And to this day, I think that complicates our relationship with the M.A.G. and it complicates our relationship with C.A.V., [in the sense] that C.A.V. is expected to coordinate and is leaned on very heavily by M.A.G., but has no real authority to make anybody do anything.

Relations between the provincial government and the PAR organizations continued to deteriorate following additional alterations to funding guidelines. For instance, when the project first started, C.A.V., the provincial government, and the P.A.R. providers all agreed on directives regarding the use of fees for counseling collected from court-mandated offenders. C.A.V. and the P.A.R. providers insisted that offenders be charged for P.A.R. programming on a sliding scale and that all money be deployed to develop support services for abused women at each organization. The rationale for the policy was that it served as an important symbol of offender accountability. Eventually, the provincial government rescinded this rule and directed the P.A.R. organizations to deploy the money to offset the costs of the increased referrals resulting from
the expansion of the courts. The change incensed the P.A.R. providers, since many of them relied on the funds to offset the costs associated with the “Partner Contact” element of the P.A.R. program, a service for the partners of abusers in the program. Services providers had consistently complained that the funding for partner contact, which only covered four telephone contacts with victims, was woefully inadequate. In reality, the service extended far beyond four contacts and in no way matched the “five minute phone call in the funder’s mind.” With no increases in funding, many relied on men’s fees to cover the costs associated with partner contact work.

Against this backdrop of funding woes, the advent of the Peace Bond Offender became the final straw and the P.A.R. Freeze ensued. Eventually, the provincial government intervened and developed what became known as the “Acknowledgement Form” as a potential solution to the problem. Currently, offenders enrolling into a P.A.R program with the promise of a peace bond upon completion are required to sign the form in lieu of a guilty plea. The document is an admission on the part of the offender that he was charged with a criminal offense and that he “engaged in behavior that caused their partners to feel unsafe or fearful.” M.A.G. developed the form specifically for the P.A.R. counselors in order to assist them with the objective of offender accountability. The real panacea to the problem, however, was money; along with the form, the provincial government provided the P.A.R. agencies with their first funding increase since the project to specialize the courts began in the late 1990’s, their first and only raise in close to a decade. Though the increase was reportedly “very minor,” C.A.V. and the P.A.R. providers ended their boycott of the courts and business ensued as usual.
Conclusion

This chapter provides a behind the scenes, empirical account of the criminal justice and community partnerships fueling the development, implementation and administration of Toronto’s specialized domestic violence courts. In so doing, it examines the strategy of governing crime through the community, a trend which has inspired significant theoretical interest, yet very little empirical exploration. On the surface, Toronto’s specialized courts look like a typical neo-liberal initiative, where the state devolves its responsibilities for managing domestic violence on to the community, and through this relation, governs “at a distance” (Garland: 1996). The context in which the courts evolved also supports this conceptualization; facing a severe crisis of legitimacy over its ability to ensure justice and safety to victims of abuse, the state’s eventual deployment of a local partnership to govern the problem appears to be an open admission of its failure to maintain law and order on its own. Finally, the funding concerns fueling the P.A.R. Freeze also suggest the workings of a scheming neo-liberal state, one that offloads and shirks its responsibilities on to community organization, which then administers them for a fraction of the costs. The legal aid funding cuts and the ways in which C.A.V.’s P.A.R. coordinator steps in to fill in the gaps of state retrenchment within the E.I. courts also feed characterizations of the courts as a neo-liberal phenomenon.

However, if we consider analyzing the “state” as a dynamic and shifting set of relations, rather than a unitary and monolithic entity, and we analyze the networks of government and grassroots actors which manifest as state power, the story does not entirely match the scheming, neo-liberal state narrative just described. While it would be inaccurate to suggest that neo-liberal political rationalities played no part in the advent of Toronto’s criminal justice and community partnership to govern domestic violence, attributing the process to a state agenda alone is just as deficient. Analyzing non-state actors as key players, rather than supporting
figures in partnerships to manage crime illuminates the influence of alternative—in this case, feminist—political rationalities, which intertwine with neo-liberal ones to constitute the abstraction of community as a possible and appropriate terrain for governance. The origin story of the specialized courts traces the direct roots of the initiative to Pence’s coordinated community response framework and charts the migration of the discourse from 1980’s Duluth to the offices of the provincial government. The steps leading to the eventual institutionalization of the discourse shows the significant influence grassroots organizations exerted in encouraging the governance of domestic violence with and through community, and in developing the infrastructure for the specialized courts.

In addition, on the surface, Toronto’s domestic violence courts may also appear to be just another example of a problem solving initiative in which the legal system partners with the community to prosecute, punish, and resolve various social problems. Although different in origin and in how they tackle specific crimes, all specialized courts generally entail some form of collaboration between the legal system and community organizations, where the latter participate as providers of rehabilitation and therapy, or as experts during the sentencing process. In Toronto’s Gladue courts, for instance, which were established to ensure the judiciary considers Canada’s history of colonization and the over representation of Aboriginal offenders in the justice system during sentencing, caseworkers from Aboriginal Legal Services of Toronto (ALST) participate in the initiative as part of a court working group. In this context, ALST workers are in charge of training crown prosecutors, duty counsel and judges, and in preparing sentencing reports. The drug courts represent another example of a specialized legal initiative where social workers participate with the courts to rehabilitate and monitor addicts. While Toronto’s specialized domestic violence courts also incorporate similar principles of community collaboration, a key difference between this project and the ones just described is the degree to
which community based actors direct the prosecution and punishment of domestic violence outside of their prescribed roles. As described earlier, Sheila, C.A.V.’s most senior P.A.R. Coordinator, operates far more like a hybrid defense-prosecutor, than the administrative support worker originally envisioned for the E.I. prosecution process; her involvement in defining incidents of domestic violence as crimes results from her operating out of the assigned boundaries of her position. The same can be said for the P.A.R. counselors, who launched their boycott of the courts in part as an attempt to influence the prosecutorial sentencing and screening practices of the E.I. courts.

One reason for the enhanced involvement of the community in Toronto’s domestic violence courts has much to do with the role of C.A.V. and its partnering organizations –many of which evolved into P.A.R. providers—in creating the infrastructure for the specialized prosecution process. Throughout the United States and Canada, most specialized courts evolved under the auspices of a judicial champion. For instance, Toronto’s drug court was initiated by Justice Paul Bentley in 1998, following the recommendations of a committee of representatives from the Federal Department of Justice, the defense bar, duty counsel and Corrections. Although representatives from the Centre of Addiction and Mental Health and Public Health were also involved in the early planning stages, the court reform project was a top down effort initiated from within the criminal justice system (Bentley and Bakht: 2004).

Similarly, as alluded to above, the Aboriginal courts evolved directly from the R V. Gladue Supreme Court decision in 1999. The specific design and plan for the courts was conceived in September of 2000 during a joint annual conference between the Ontario Conference of Judges and the Canadian Association of Provincial Court Judges (Knazan: 2003). The same appears to be the case in relation to other specialized domestic violence court initiatives throughout North America. For instance, the Center for Court Innovation’s evaluation study of 15 specialized
domestic violence courts in the United States reveals that in at least 12 instances, judges provided the impetus for legal reform. In the remaining cases, the other stakeholders worked in conjunction with judges, including prosecutors, victim advocates and in one case, a public defender (Bradley et al: 2010, 36). Within Canada, the efforts to reform the prosecution of domestic violence were generally spearheaded from within the provincial government or the legal system. Winnipeg’s courts, for instance, evolved through joint consultations involving government officials based in the Department of Justice and Family Services, representatives from the Women’s Directorate, the Chief Judge of the Provincial Court, The Director of Public Prosecutions and the Minister of Justice in office at the time (Ursel and Hagyard: 2008). Similarly, Yukon’s Department of Justice initiated the specialized Domestic Violence Treatment Option (DVTO) court located in Whitehorse (Hornick et al: 2008). Thus, the heavy involvement of community in Toronto’s specialized courts has much to do with C.A.V.’s influence and the organization’s specific efforts to implement Duluth’s coordinated community response framework, which mandates community organizations to act far more like criminal justice institutions, rather than typical non-profit or philanthropic agencies. Along with monitoring abusers to ensure the objective of offender accountability, the Duluth model also emphasizes the importance of involving community to ensure systemic accountability.

Finally, in contrast to contentions amongst scholars that community has replaced the social as a key terrain of governance, Toronto’s specialized courts represent an instance where both strategies thrive and intertwine. Community organizations, as P.A.R. providers do more than just monitor offenders; their key role is to change them fundamentally through education. As a rational actor capable of making choices, but also a product of patriarchy, the Duluth model constitutes the domestic violence offender as a risky and changeable subject in need of both reform and surveillance, and designates the community to administer both responsibilities.
Toronto’s specialized courts thus represent a muddling of penal techniques, strategies and political rationalities, in which welfarism, neo-liberal state processes, and feminist rationalities coalesce in efforts to govern domestic violence through the social and community. These findings support O’Malley’s (1999) characterizations of contemporary penal regimes as “volatile and contradictory,” and emphasize the importance of considering the messy, everyday empirical realities of penal regimes when deriving broader insights on the governance of crime (O’Malley: 1999).
Chapter 4
The “Other” and the Expert: The Immigrant Middle Modernizer

In December of 2008, Toronto Life magazine published its special issue on the “Immigrant Experience.” The cover features a head shot of Aqsa Parvez, a 16 year old, Mississauga girl who was tragically murdered by her brother and father in December of 2007. Media depictions of the Parvez case depicted Aqsa as carefree and spirited girl, who was desperately searching for freedom from her strict, Muslim family. Caught between the West and the East, much of the conflict, according to the Toronto Life, emerged over her refusal to wear the hijab and her preference for western clothes. The caption of the front cover reads: “She refused to wear a head scarf –and paid the ultimate price. The untold story of Toronto’s first honour killing.” The article raises the question that liberal mainstream media accounts repeatedly pose in cases of violence against women within the homes of the immigrant “other:” is Canada, in its appreciation of multiculturalism, becoming too tolerant of cultural differences?37

The attributing of the violence of the “other” to “barbaric” cultural practices is a central and enduring motif of the Western liberal regime, one that has been deployed historically to justify colonial interventions, and a story still told to construct immigrants from the East as “pre-modern.” As a signifier of civility, the treatment of women is deployed to create a dividing line between the enlightened (West) and unenlightened (East). The ultimate effect of this binary is the construction of the West as the authority on women’s empowerment and the East as a

space devoid of it. Within the liberal project of modernity, it is thus the responsibility of the latter to “teach” the former how to manage gender violence, and in so doing, progress towards civility.

Toronto’s extensive field of anti-violence, immigrant services, which is guided and structured by the logic of ethno-specificity, raises several questions when examined with these global imaginaries in mind. Specifically, how do we make sense of interventions to contain the violence of the “other” when those enlisted with the project to modernize are also theoretically scripted as the “others” of the nation? The ethno-specific, anti-violence service idealizes governing relations in which immigrants essentially teach other immigrants how to manage the problem of domestic abuse. Although there is little consensus on what it means to deliver an ethno-specific service, the foundational principle of these interventions is the idea that immigrant abusers and victims, and their communities more generally, are best served by counselors who share their national, linguistic and ethno-racial backgrounds. Thus, within Toronto’s sector of anti-violence services, it is the “others” who serve as the experts on active citizenship and women’s empowerment. In this context, how do immigrant service providers perform as authorities on these issues? What cultural material do they draw on to script themselves as the experts on women’s empowerment and active citizenship?

The questions around the expertise of the immigrant anti-violence counselors are also relevant when we examine the voluntary organization as a technique of citizenship for liberal governance (Cruikshank: 1999; Ong: 2003). Although anti-violence agencies are undoubtedly beneficial in the sense that they offer much needed support for abused immigrant women, philanthropic services are not devoid of power relations. Rather, these services operate through “gentle coercion,” by encouraging service seekers to become active and empowered citizens via
interventions aimed to “help them help themselves” (Cruikshank: 1999, 5). As experts who enable citizenship, immigrant anti-violence counselors perform as integral “middle modernizers” and gatekeepers for liberal democratic regimes. As mediators between immigrant communities and official state and legal systems, they are just one example of the multiple local authorities who translate dominant ideals of law, citizenship, and overall prescriptions for ideal living to newcomers (Rabinow: 1989). Thus, within the context of Toronto’s grassroots immigrant service sector, diasporic subjects act as key experts on the needs and solutions for the abused immigrant woman.

Central to the functioning of the ethno-specific, anti-violence organization is the binary of the immigrant subject as either abject or “super citizen” (Honig: 2001)\(^\text{38}\); in order to make the abused immigrant woman governable, she needs to first be constituted as lacking the knowledge required to perform as an empowered, liberal democratic, feminine subject. Her lack of knowledge, as is evidenced from the narratives from anti-violence counselors in my study, can take multiple forms: she may not be aware of how the criminal justice system works, or familiar with specific legal terms; or her problems may be due to her oppressive “culture,” which prevents her from “realizing her rights and freedoms in Canada.” Regardless of these specificities, in all of these cases, the roots of the abused immigrant woman’s ignorance can be attributed to her foreignness and “otherness.” Conceptualizing the “Abused Immigrant Woman” as a category of the human mobilized by philanthropic governance to make clients governable, raises several questions about the expertise of the immigrant anti-violence counselor, given that

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\(^{38}\) Honig (2003) refers to the varying and contradictory stereotypes of the diasporic subject as abject and super-citizen in drawing attention to the ambivalence of the nation towards its immigrants. In a personal conversation, she pointed out how the governmentality analysis of the voluntary organization invokes this binary.
the experts carry the same markings of foreignness as their problematized subjects. Specifically, what knowledges, practices and capital constitute the immigrant, anti-violence counselor as the expert on empowerment and active citizenship, despite her “otherness?” Or, in this context, is her “otherness” what fuels her expertise? Finally, if the condition of being both a stranger to and familiar with the nation is indeed a prerequisite for their positions, what resources, capital, and cultural material do diasporic advocates mobilize to perform as the knowing other, or “the others of the others?”

This chapter aims to examine these questions with reference to 24 interviews conducted with front line staff, program directors and executive directors from 21, Toronto based immigrant organizations. All of the counselors interviewed provided anti-violence services and legal advocacy interventions for abused immigrant women in a diverse array of organizational contexts. While the vast majority worked full time as anti-violence counselors at immigrant women’s organizations or legal clinics, a handful of my interviewees engaged in abuse awareness and prevention more informally as general women’s coordinators for their organizations, or as needed in the course of their settlement work. Some, whose organizations were also involved in the provision of Partner Abuse Response (P.A.R.) programming through the specialized domestic violence courts, also counseled abused immigrant women as “Partner Contact” personnel. In these instances, service providers worked with the partners of abusers court mandated to attend for a batterers program, alongside their general responsibilities as anti-violence counselors.

Narratives from service providers reveal the significance of two general phenomena to the construction of expertise amongst immigrant gatekeepers: elite status, or specifically, the loss of it; and the practices, ideas and strategies of women’s empowerment and active
citizenship that counselors import with them to Canada from “back home.” With regards to the first issue, my findings illuminate a very different relationship between elite status and governing relations involving the “others or the others” than has been the case historically. In the past, the links between class position and middle modernizing tended to be straightforward. In colonial regimes, for instance, political power frequently relied on colonized elites to facilitate the implementation of Western legal systems (Merry: 2000; Cohn: 1996; Mamdani: 1996; Sharafi: unpublished). In these cases, socio-economic status authorized them for their roles. Class position and education distinguished elites from the colonized masses and led to their incorporation into colonial civilizing missions.

Within the context of Toronto’s immigrant middle modernizers, elite status takes on a different significance. One glaring difference between colonial contexts and contemporary ones is the general absence of class difference between immigrant gatekeepers and their clientele. As is evidenced in narratives from service providers, the vast majority of women and families seeking settlement and anti-violence services were also formerly elite, or at least, middle class. Thus, in contrast to the past, elite status does not materialize as a resource for performing respectability. However, class, as manifested in the immigrant condition of downward mobility, does play an important role in authorizing agency employees. To be more specific, all of the service providers interviewed for my study lived former lives as elites in their countries of origin; however, due to the de-credentialization they experienced upon immigrating, few were able to continue in their professions once settled in Canada. These personal accounts of loss, disintegration, resurrection are relevant to middle modernizing in so far as they serve as a form of capital for this sector. Counselors thus draw on the symbolic material of suffering and survival to authorize themselves as the experts on active citizenship and empowerment. In so doing, they are able to draw similarities with their clientele who are experiencing similar losses.
Ironically, within the field of immigrant non-profit services, a loss of economic and social capital outside of the sector transforms into an integral form of symbolic capital within it.

Along with the symbolic material of class and suffering, accounts from service providers illuminate the importance of gaining insight into the lives of immigrant gatekeepers before their migrations, in order to acquire an understanding of their expertise. Throughout their interviews, immigrant counselors frequently referenced their knowledges and strategies of women’s empowerment they developed through engaging in anti-violence work in both professional and voluntary capacities back home. In many instances, these narratives surfaced as intense nostalgia for their former lives and as scathing critiques of how the “Canadian system” aims to empower marginalized subjects. In these stories, counselors frequently characterized Canadian strategies as ineffective or lagging behind the times. These narratives are significant given how, as noted above, male violence amongst the “other” is scripted within the Western liberal imaginary. Specifically, accounts from counselors show that active citizenship and women’s empowerment –which are both imagined to be quintessential features of liberal democratic citizenship in the West –are not concepts immigrant gatekeepers simply discover when they reach Western shores, or acquire in the course of becoming Canadian. Rather, these accounts reveal that these concepts are just as endemic to the East as they are in the West. Memories and stories from Toronto’s immigrant gatekeepers illuminate both the existence and movement of the discourses of women’s empowerment from the East to the West, a trajectory rarely traced in existing accounts of mediating and modernizing, which tend to focus on the exporting of liberal constructs from the West to the East (Merry: 2001; Merry: 2006; Goodale: 2002; Abdullah: 2002).
This chapter will first begin with a short anecdote detailing my observations of service provider-clientele relations at one ethno-specific women’s organization. Although I predominately relied on interviews to derive an understanding of middle modernizing within the context of anti-violence services, during the course of my field work, I did have the opportunity to engage in one instance of participant observation. This opportunity emerged as a result of my own attempts to give back to the organizations whose staff graciously offered their time to assist me with my research. As a former non-profit, anti-violence worker, I was well aware that the sector runs and depends on martyr labor. In an attempt to assuage my guilt for requesting interviews—most of which ended up lasting between two to three hours—from a very overworked and underpaid group of individuals, I offered to conduct information sessions on the criminal justice response to domestic violence for immigrant women attending their organizations.

While all of my research participants expressed interest in my offer, only one agency followed through. Sonia, a former engineer in her home country, who was now employed as a women’s coordinator at her organization, invited me to run a presentation for her senior women’s group. In what follows, I detail the interactions not only between Sonia and the clientele, but also between myself and the audience members. While I did not initially intend to deploy this brief return to the field on non-profit services as data, the experience provided me with considerable insight into my interview findings and also made me question existing research on gender violence in immigrant communities. It also led my eventual understanding of the “Abused Immigrant Woman” as a category of the human that service providers deploy to make their clientele governable. As noted earlier, one recurring theme in my data was that immigrant women “knew nothing” about violence against women or their legal rights. While the degree and contours of their ignorance varied, this general characterization persisted.
addition to knowing nothing, many service providers also repeatedly asserted that their clientele rarely expressed interest in discussing domestic violence, which was a taboo issue in their communities. The taboo narrative is also a recurring finding in academic literature on the issue (see, for example, Menjivar and Salcido: 2002; Shirwadkar: 2004).

Surprisingly, in the course of delivering my workshop, I discovered that the audience of women I presented to was neither silent, nor uninformed. In contrast, they appeared to know far more about the legal system than the most of the Canadian born women I interacted with as a court based victim support worker. In addition—and even more peculiar to me—despite clear displays of legal knowledge, Sonia continually constructed the workshop participants as either lacking an interest in the issue, or knowing nothing about the law and gender violence, despite all evidence to the contrary. What follows is a modified version of my field notes written after I conducted the information session, along with an analysis of my findings in relation to the multiple narratives of abuse and violence against women in immigrant communities which emerged in my interview findings.

Secrets, Silence and Taboos?: The Conundrum of Violence Against Women in Immigrant Communities

Back in 2009, I first met Sonia after the executive director of her organization, who I interviewed for my research, put me in touch with her to coordinate an information session on violence against women and the legal system. Though I had only spoken to Sonia briefly on the phone, when I arrived at her organization to deliver my presentation, she warmly greeted me with a hug at the door and led me into a waiting area. Motioning towards a seat, she advised, “Just relax; we’ll be starting shortly.” She appeared nervous about the late arrival of many of
the workshop attendees. I assured her that time was not a problem as I had the afternoon free, which relaxed her slightly. She continued her work and I took a seat and reviewed my notes for the session.

After about fifteen minutes, I noticed a crowd forming at the entrance and decided to sneak a look into the room where the session was scheduled to take place. Due to my ongoing public speaking fears, I often secretly hope no one will show up when I am scheduled to deliver a presentation. Assuming violence against women to be a taboo issue in immigrant communities—an assumption I garnered from academic accounts on the subject, as well as my interviews—I was certain it would be my lucky day. However, much to my surprise, the room was boisterous and full; about twenty-five to thirty middle aged and elderly women, clad in multi-colored saris and salwar kameez, streamed slowly into the room. The group appeared lively and social. About seven or eight conversations in multiple languages were in process simultaneously, coalescing into a white noise of voices, words and laughter. I returned to my seat, feeling a little more nervous, yet please about the exuberance of the group.

After about a half an hour, Sonia checked in on me, advising that we were almost ready to begin. She asked about the specifics of my presentation and requested a copy of my notes for her reference. “Don’t get discouraged if the women are not receptive, she cautioned. “This is a difficult topic to discuss.” She warned that that group may not want to hear or talk about domestic violence, since it was such a “taboo issue in the community.” I mentioned that I understood these concerns and would keep them in mind during the course of my presentation. “We’ll see how it goes,” Sonia advised. “And if it’s a success, we’ll invite you back for another one.” She continued: “Also, remember to speak very slowly and try to avoid using big words and terminology. Most of the women are elderly and you have to go slowly so they
understand.” I asked her whether it would be useful to begin with an explanation of domestic violence and a discussion of the sorts of behaviors, language and actions that constitute abuse, as per the Duluth model’s *Power and Control Wheel*, the most commonly used instrument deployed in consciousness raising activities.39 “I’m just not sure how much the women already know,” I mentioned to her. “Oh, they don’t know anything about this,” she emphasized. “So, you need to keep it very simple. Pick and choose the most important topics. It’s good not to overwhelm them with information.”

When everyone arrived and the room settled, Sonia introduced me. The crowd mostly smiled or stared at me, with many continuing to chat amongst themselves, despite Sonia’s repeated calls for silence. The informality of the environment relaxed me though I began feeling unsure as to how I would overcome the barriers to discussion that I had been warned so much about from Sonia as well as a number of other counselors in my research sample. I introduced myself, noting my previous work experiences as a victim support counselor and the main objectives of my presentation. Following Sonia’s advice, I took nothing for granted. “Do all of you know what I mean by D-O-M-E-S-T-I-C V-I-O-L-E-N-C-E?,” I asked the group as loudly and slowly as I possibly could. “Oh yeah!” they responded in virtual unison. In contrast to the uncomfortable silence I expected would follow my question, the room quickly grew loud and boisterous; several conversations ensued at once and a number of women raised their hands, jumping at the chance to relay their input and provide answers. “This woman in my building, her husband was arrested!” someone in the front row exclaimed. Several others spoke up and mentioned cases involving friends, neighbors and acquaintances. Sonia stepped in to referee and quiet the crowd. I overheard a few women say, “This is a very important issue...” I

39 I discuss Duluth’s *Power and Control Wheel* in detail in chapter 4.
continued with my talk, rather surprised by the crowd’s reaction, given the supposed barriers to public discussions of violence against women.

Feeling a bit more confident given the eagerness of the audience, I continued, informing the women that I would provide them with information on how the police and courts respond to domestic violence. I emphasized the importance of knowing the implications of calling the police so women could make informed decisions about how to address the abuse in their lives. Sonia repeated my points (in English). Several women were interpreting to others in the audience. The crowd nodded in agreement. “Yes, an informed decision!” I heard someone cheer from the back of the room. Encouraged, I explained the criminal justice system’s zero tolerance approach to domestic violence and the mandatory charge policy, using hypothetical examples involving victimized women and abusive men. Immediately, mayhem ensued. One woman challenged: “What if the woman hits her husband? What happens then? What if she hits him and then she calls the police and then lies and tells them that he hit her?! Some of these women… they are very arrogant!” Several audience members nodded in agreement, making similar remarks. I responded to these comments with reference to statistics, particularly on the outnumbering of women to men as victims of domestic homicides, to illustrate the concept of domestic violence as a gendered phenomenon. Apart from a few women in the front row, few listened or heard. The room at this point was again buzzing with laughter, activity and conversation. I noticed one woman dozing off in the back of the room. “She’s sleeping!” another yelled as she pointed to the elderly woman in the corner. Sensing my discomfort with reigning in the crowd, Sonia stepped in once again to silence the group.

Once order was restored, I continued my presentation, stopping to check in with the audience whenever I introduced a new legal term. “Have all of you heard of something called
“bail?” I asked. “Oh yeah!,” the audience replied, again in virtual unison, with several offering their own explanations of the term. “It’s when someone goes to court to pay money to help get someone out of jail, right?” asked one participant. Several relayed anecdotes about court cases involving friends and family. A few requested clarification on the role of a surety, a term they raised on their own. A number of women at the front of the room asked me more specific questions about cases involving their friends and family. Seeing how well informed the women already were about the legal system, I moved on to a discussion of the “no contact” bail condition, the standard clause courts impose following an arrest for a domestic offence. I explained that once the police lay a charge, no one, including the victim, can withdraw them.

While some appeared surprised, many were already aware of the repercussions of zero tolerance, criminal justice interventions. “He can’t talk to her and he won’t be allowed to go to the home either,” one woman explained to the group. Many asked about the consequences of the “no contact” condition on children. I discussed the concept of third party access and how the courts typically govern an offender’s access to his children. I continued with various topics: the trial, aggressive prosecutorial strategies, which mandate victim participation during trials, potential sentences for domestic violence offenders, guilty pleas and the length of time that the abuser and victim were likely to be separated depending on whether the accused pled guilty or went to trial. At various points, women interjected with comments and critiques of the justice system: “These trials. It’s not about justice. They only focus on one thing…”

Half way through the information session, Sonia announced she would leave the room to prepare refreshments for the group. I proceeded to lead the workshop on my own, but without her direction, the remainder of the talk erupted in disorder. As had been the case for most of the event, the women in the back of the room continued to converse on their own. A
participant in the front row asked me specific questions about her legal issues, divulging that she needed help because her husband was preventing her from seeing their children. Another attendee asked me for advice on conflicts she was having with her neighbor. Far from the image of the silent and unaware abused immigrant victim, the women in the audience appeared not only vocal about the issue of violence against women, but also extremely well informed about their legal rights and the justice system’s response to the issue. The group as a whole also exhibited very few qualms about airing their personal concerns, troubles and conflicts in a public forum.

When Sonia returned to the room, she asked me to stay and join the group for tea and snacks. I agreed and continued chatting with several of the audience members informally. I conversed with a woman named Chandra, who discussed her regular attendance and involvement at the organization in various capacities over the past 19 years. In the past, Chandra worked professionally as a settlement counselor for another immigrant community organization; she was currently employed part time as an interpreter. Consequently, her knowledge of the immigrant specific barriers abused women confronted in the justice system was extensive. “This is a very important issue,” she advised as we exchanged contact information upon her request. “Write your name, e-mail address and telephone number on the board,” she urged. As I scribbled my details, I noticed several women writing them down.

When Sonia stepped back into the room to officially conclude the discussion, she asked the audience, “Did you all find this helpful? Should we do another in the future?” All nodded yes collectively, with several insisting that the information was “extremely important for the community to know.” As I said my goodbyes, Sonia whispered: “Most of these women are widowed, so this isn’t directly relevant to them.” I laughed to myself and left wondering how to
make sense of the disparities between my observations and Sonia’s repeated claims that her clientele “knew nothing.” My vocal and well informed audience also contrasted considerably with analyses of violence against women in immigrant communities in existing academic accounts, much of which tells a story similar to Sonia’s of silence and taboo.

Governing through “Foreigness:” Legal Advocacy and the Abused Immigrant Woman

Sonia was not the only service provider who conceptualized her immigrant clientele as “knowing nothing” about the criminal justice system and domestic abuse. Narratives about the ignorance of the Abused Immigrant Woman also surfaced repeatedly in my interview data. However, constructions of victim ignorance varied. In some instances, counselors primarily referred to their clientele’s lack of working knowledge of the system and discussed how little women knew about legal terminology or the trial process:

Honestly, they [the women] don’t know anything. They don’t know what “custody” is. And even when they get their [partner’s] probation order, I’ll read it to them and explain what a probation order is, what an absolute discharge is, what all the charges are. I’ll explain it to the women. (Ajanta, VAW counselor)

I tell them how it [court] is going to be. When I was working in the shelter, I had this woman from Albania and her husband was from Iraq. It was a very, very volatile situation with them. She went to the shelter and then she had to go to court – the first appearance. She didn’t know anything. I explained to her how it was going to be and what we were going to do. I told her I was going with her, and we’ll sit in the back. She spoke Italian. [I told her] they would call her and she will go to the front with an interpreter. This is what I explained to her, the court system and the court process. (Miranda, VAW counselor)
Really, our biggest role is making life a bit easier for newcomers because they may not understand the system, especially the criminal justice system. Some are involved in the legal system and they don’t know how things work here. (Maria, settlement counselor)

In other cases, “knowing nothing” signified not only a lack of knowledge about the intricacies of the criminal justice system, but more fundamentally, an absence of awareness that violence against women was fundamentally wrong and against the law. In these stories, counselors characterized the abused immigrant woman as lacking a rights consciousness. As an embodiment of ignorance and innocence, the abused immigrant woman did not yet know of, or realize, her right to live free of violence, a privilege granted to her as a Canadian legal resident or citizen. In some cases, she also lacked the language to identify and communicate her experiences of violence. The following are a just a few examples of this narrative:

[We tell women] that you are in a country that believes in freedom. Freedom of speech, freedom of expression, freedom of everything! You are a human being who can really live the life. You need to talk to somebody and help is available in Canada. It depends on what type of problems the woman has. If you’re a new immigrant you don’t know this. In the South Asian community, they say its fate. Your husband is not your equal. (Suma, VAW counselor)

They come, most of the times, because they know someone in the community. They don’t come because they identify themselves as victims. They usually come for other needs they have. Sometimes, they come in because they have some concerns about their children and parenting. Through that intervention, we then find that there are issues relating to abuse. The majority of women we see, it’s a very small percent that come in and say that we are in an abusive situation...They are very different from the people who have been here a while, because they already identify. The population that we work with, it’s a new concept for them. It’s something different. They haven’t been recognized in their home countries. (Adriana, VAW counselor)
To me, as someone who was raised in Vietnamese society, [violence] is just not acceptable at this point. It just isn’t. A lot of [our services involve] empowering the women and talking to them so they understand that this is something that they should not just accept. I get really angry when I think about it, because they come and they say, “Yeah, I must have done something bad in my past life, so I’ll just have to accept it.” And I think, “No you don’t!” (Lisa, VAW counselor)

In the above cases, interventions that involve educating women about legal terminology or the criminal justice system are just the tip of the iceberg with regards to empowering clientele. For these counselors, violence prevention essentially entails “deculturalizing” women with the objective of helping them overcome their supposed false consciousness around their own oppression. Still mired in her “culture” and unconscious of her rights, the abused immigrant woman is constructed as completely unaware of the concept of “freedom.” Her empowerment thus entails, as Ong (2003) describes it, an element of ethnic cleansing. The counselors who construct the abused immigrant woman in this way advocate consciousness raising techniques aimed to cultivate her desire for freedom and rights. Interestingly, these service providers make no mention of how they somehow managed to retain immunity or extricate themselves from the patriarchal cultural influences of their home countries.

Not all counselors in my sample, however, characterized the abused immigrant woman as a disempowered victim of a foreign patriarchal “culture.” In fact, many of my interviewees depicted her as the polar opposite. While they still constituted her as lacking some form of awareness, in this context, service providers attributed her problems to the ubiquitous spell of liberalism and national mythologies of Western progressivism, the same narratives the counselors described above deployed to empower their clientele. In these accounts, women attended for services fully aware of the rights promised to them as citizens and legal residents of Canada, and conscious that violence against women is wrong. However, once they acquire lived
experiences of the law, they discover that it was not in fact a vehicle for their empowerment as they imagined it to be.

According to interviewees, while some women were satisfied with the legal interventions they sought from organizations and the criminal justice system, more often, they felt angry, helpless and disappointed. Many felt disempowered when counselors informed them of mandatory charge policies and the fact that they could not withdraw charges once they called the police. While all the women wanted the violence to stop, few were thrilled to find their partners thrown in jail and their families separated. Counselors also described court accompaniment cases where women willingly and eagerly attended court to testify expecting a guilty verdict, only to be disappointed following an acquittal. The hypocrisy of the criminal justice system and the failure of the law to fulfill its promise of justice derail women. Anjali, a VAW counselor at a well known immigrant women’s community organization described some of the typical interactions with the women who attended her agency for services:

Women come to me and they’re just really disappointed. They say, you guys are here to help us but that’s not really happening. They fall into the gap...We like to say ‘oh yeah, we have lots of freedom here, but really, when you get into it, they’re restricted. So there are a lot of barriers. (Anjali, VAW counselor)

Sunil, a program director at an ethno-specific, immigrant organization relayed similar concerns based on the negative experiences of women who attended his organization for legal advocacy services. The lack of knowledge about the justice system, particularly mandatory policing and prosecution interventions, often leaves immigrant victims of abuse in situations where they are “thrown from the frying pan into the fire”:

It’s unfortunate the criminal justice system has done little to address these things [the concerns of women who do not want their partners to be criminalized]. If you are
addressing domestic violence, it is to stop the violence, not stop the marriage. And they [the victims] end up in a shelter, and they go through such a humiliated life. And they cannot adjust because of the language and they don’t feel comfortable. It’s kinda like [being thrown] from the frying pan to the fire. (Sunil, program director)

Many other legal advocates offered similar accounts of victim tribulations resulting from over policing, under policing, the dilemmas of being entangled within immigration and criminal legal systems, and more abstractly, “buying in” to the “myth of the West as more progressive and aware of women’s issues.”

Although constructions of victim ignorance varied, in all of my interviewees’ accounts, foreignness, or “otherness” was problematized as the source of their clientele’s lack of awareness. Assumptions that immigrant victims of abuse –and diasporic subjects more generally– are unaware of their rights, lack knowledge about legal systems, require assistance with governing state bureaucracies, and need guidance in order to transform into active and empowered citizens are central to their governance. In other words, their ignorance is central to making them governable, and not always an actual problem clientele confront. Several factors support this assertion. First, as my interactions with Sonia’s women’s group illuminate, diasporic subjects clearly do know about the law and the problem of domestic violence. While one could argue that this particular group, which was composed predominately of senior women, were likely settled immigrants rather than newcomers, this did not appear to factor into Sonia’s constructions of her clientele as knowing nothing.

Second, consider for instance, the conditions of the average and everyday, natural born citizen, and, in particular, the Canadian-born, abused woman seeking services. While “mainstream,” anti-violence interventions do provide similar services as those designed for the immigrant victim of abuse, such as assistance with finding housing and emergency shelter, trial
support, and help with navigating bureaucracies, in the context of mainstream services, the service seeker is assumed to be subject of need due to her vulnerability and victimization, not because she is unaware of her rights, or necessarily lacks knowledge of how the criminal justice system works. In addition, regardless of whether they are Canadian born or diasporic, in reality, few victims—and I would argue, average citizens more generally—actually possess much working knowledge of the criminal justice system. As a court based, victim support worker for two years, whose main role was to provide information to victims of domestic and sexual abuse on how the justice system operates, I can testify to the fact that there was very little distinction amongst my diasporic and non-diasporic clientele with regards to their actual knowledge of legal and state systems. Canadian born victims required just as much assistance with obtaining emergency housing and custody orders than abused immigrant women, and were just as astonished to hear about such regulations as the mandatory charge policy. Indeed, one of the reasons why Sonia’s senior women’s group was so memorable to me had much to due with the fact that these women exhibited far more knowledge about the legal system than the Canadian born clientele I regularly encountered as a victim support worker.

Finally, the construction of the diasporic subject as lacking knowledge of, or the ability to navigate systems, is also suspect when we consider how much legal and bureaucratic savviness is required to prepare a successful immigration application. Application processes for permanent residence status, for example, require a considerable degree of preparation, literacy skills and advocacy. Along with filling out the requisite paperwork, Citizenship and Immigration Canada (C.I.C.) requires applicants to: obtain criminal record checks and finger prints for every country, province or state ever lived in prior to immigration, produce bank account records indicating proof of funds in some instances for a period of six months to a year, detail all work history since the applicant’s 18th birthday, submit college and university transcripts, provide all
home addresses since the applicant’s 18th birthday, and arrange for medical appointments with a CIC approved doctor. Thus, with regards to possessing a lived experience of legal rules and processes of bureaucratic categorization, diasporic subjects know all too well what it feels like, and means to be, an object of governance and regulation. As is the case in Sarat’s (1990) study of welfare recipients, the “law is all over” them. Whereas abused immigrant women may be unfamiliar with specific criminal justice regulations, in comparison to the average Canadian-born citizen, they likely possess far more experience with navigating legal rules and the webs of state bureaucracies.

In raising these points, my intention is not to tell the “truth” of the abused immigrant woman. Rather my intention is to show how she is governed through her foreignness and “otherness,” both of which are central to her problematization and to making her governable. Within the field of immigrant services, these constructs are part of both the problem and solution to the predicament of migration. How then does foreignness and otherness manifest in the expertise of immigrant anti-violence counselors? Before addressing this question, I will first provide a synopsis of what legal advocacy actually entails with reference to my interviews with immigrant anti-violence counselors.

**Immigrant Community Organizations and Advocacy for the Abused Woman**

Although hailed as the panacea to the immigrant specific barriers abused women confront when navigating the legal system (Menjivar and Salcido: 2002; Shirwadkar: 2004; Wachholz and Miedema: 2000), with the exception of Agnew (1998), few offer empirical accounts of what daily life in immigrant anti-violence organizations actually entails, and what
empowerment work involves. My interviews with service providers reveal very little consensus on the meaning of legal advocacy. While some view the system as a foe and the notion of rights as a fallacy, others conceptualize the police and courts as effective mechanisms for obtaining justice for immigrant victims of abuse. In addition, while some counselors engage more directly with immigration and criminal justice systems when assisting abused women, others conduct empowerment work more informally and rarely interact with official legal systems.

For instance, Maria, a settlement counselor at a large multi-service, immigrant organization, engaged directly with official legal systems, as well as various state bureaucracies on a daily basis in the course of her everyday work. In addition to helping clientele find apartments, open bank accounts and obtain social insurance numbers, she regularly assists with drafting a variety of citizenship and immigration applications, particularly applications for legal status based on Humanitarian and Compassionate (H & C) grounds, which are often the last hope for abused immigrant women in abusive sponsorship relationships. Maria, who advised that she regularly interacts with clientele in abusive relationships, described one of her cases, which required an H & C application:

I just had one client the other day for example who was trying to get away from a violent situation. And we are talking about physical and emotional abuse, all of these situations. I have had some very serious cases [where] every single time, a woman had to go to a shelter. Four or five cases, all immigrant women...The woman I saw yesterday, she wasn’t a landed immigrant. She got married to this person and she was a rejected refugee claimant. She married him and he was supposed to sponsor her. He did that and he used it as a threat and there was lots of violence. You can see how this abuse works...its very manipulative and the immigration status is a part of it. (Maria, settlement counselor)
Although she is technically a settlement, and not an anti-violence counselor, Maria regularly works with clientele in abusive situations in the course of her work, and incorporates her analysis of male violence into her advocacy services. In addition, while she does not specifically empower abused women through emotional support or ongoing counseling, she nonetheless self-identifies as an anti-violence counselor. In fact, I recruited Maria for my study at a training workshop run specifically for service providers working with abused immigrant women.

Maria conceptualized her role as similar to that of a “legal worker, or even a lawyer.” When she was not meeting with clients, her daily work entailed regular phone calls to Citizenship and Immigration Canada (C.I.C.) and “lots of paper work,” such as data entry, writing immigration letters and writing appeal letters for clients whose applications have been rejected. She emphasized the importance of her mediating role, given that service seekers “often don’t know the rules of writing a proper letter.” Maria also regularly explains C.I.C.’s language and the various categories through which applicants are able to apply for legal status. Due to her growing working knowledge of C.I.C.’s bureaucratic process, she is now becoming involved with representing clients at their appeal hearings as counsel. In the past, she generally assisted in the process in the capacity of an interpreter. Her growing passion for legal advocacy combined with her comfort and familiarity with the appeals hearing process led to her graduated responsibilities. She also identified one of her strengths as possessing a natural inclination for “that legal way of thinking”:

Producing arguments and expressing those arguments clearly, or arguing basically and making a case. I love that. And my work kind of allows me to do it a bit and I’m hoping to do it more and more. The first three years, I wouldn’t take any difficult cases; I would refer them to lawyers. But now, I feel more comfortable taking the case and saying, “You know, I can help you with the appeal.” Sill, I’m not a lawyer. I explain that to
clients. Because it’s a liability thing too; you have to be very careful. I tell clients, I don’t have legal expertise, but I can argue well. And if I think I can do it, I tell them. I also tell them, if you don’t want to risk it, I can refer you to a lawyer. But some clients say, “I don’t want to spend any money, so if you can help me, that’s great. (Maria, settlement counselor)

In other instances, serve providers emphasized the importance of providing empowerment services to immigrant women, which recognized the legal system as inherently male centric. Miguel is the co-director of a legal clinic, which also doubles as a women’s shelter for refugee and immigrant women experiencing abuse or housing crises. He founded his organization with the explicit intention of creating an immigrant women’s, or “gender specific” legal clinic. Given this mandate, Miguel advises, violence against women is just one of the many gendered issues his organization addresses. His agency aims to take a larger approach to mitigate the violence of the law on women as well. In his own words:

One of the areas that we focus on is how the immigration process affects women. So let me give you an example: the concept that is in the law, in the immigration act, the Immigration and Refugee Protection Act (I.R.P.A.) [revolves around] the principle applicant. The principle applicant immediately has a connotation, a historical connotation, of the head of the family. And most of the head of families are men. So sometimes, women, they are here and they are part of an application as somebody else. They never have a chance to talk about their own situation. And their case is rejected because the principal applicant case is rejected...It is very clear for us that the system is male oriented. (Miguel, executive director & front line worker)

To counter systemic disenfranchisement, Miguel emphasizes the importance of deploying empowerment practices that ensure women, and their clients more generally, are “the owners of their own experiences.” Such strategies entail “analyzing the [legal] system from the perspective of the client” and “figuring out what her priority is,” which is particularly relevant
for abused women navigating the criminal justice system without legal status. Legal advocacy for abused women at Miguel’s organization thus involves ensuring women are aware of the implications of calling the police, or developing ways to sidestep the criminal justice system altogether if legal status is an issue:

We never advise them [victims] to phone the police. We advise them to do it through an agency, or through us. Sometimes, when we make the phone call, the police act totally different...Status becomes more of an issue than protection. That’s why we suggest that if you don’t have a choice, call 911. But if you have a choice, call us and we will deal with the situation. Sometime we have situations of abuse where the women have been deported later on because they didn’t have status. In order to deal with that, we have to deal with women ourselves. If you don’t do it, they’ll end up in detention. (Miguel, executive director & front line worker)

Miguel’s legal and systemic critiques along with his working knowledge of the immigration and criminal justice systems shape the forms of advocacy he offers to clientele. From his perspective, the system is more of a foe than a friend. His strategies of empowerment thus emphasize supporting abused immigrant women as they navigate official legal systems.

For Amina, a settlement counselor at an ethno-specific women’s organization, empowerment work entails strategizing with the system, rather than against it. Along with assisting clientele with routine applications to obtain health cards and SIN numbers, Amina’s legal advocacy role can range from accompanying women to police stations to provide translation and support services to providing referrals to lawyers and legal aid to assist with “legal battles.” Generally, Amina encourages her clients to call the police if they are in danger and require assistance:

We tell them that they need to trust the law here in Canada. They are coming from central Asia and Afghanistan, and also from Russia, Pakistan and Iran. And they had a
terrible experience with the law there. And it’s important for them to know that the law is not here to harm them. It is here to protect and service them. So that’s the main part [of legal advocacy] that we do; [we tell them] to rely on the system and believe in it and to know that if they have any problems, there is someone that they can go to. (Amina, settlement counselor)

Though both Miguel and Amina work extensively with the immigration and criminal justice systems, both service providers harbor very different perceptions of the police and the law, which impacts how they perform their gatekeeping roles. For Miguel, the law is not a vehicle for women’s empowerment; for Amina, the opposite it true. Her empowerment strategies and legal advocacy entail undoing negative perceptions of the law her clientele may have formed through experiences of corruption in their countries of origin.

Anjali works for an ethno-specific immigrant women’s organization as one of the four resident VAW counselors. Along with English language instruction and employment counseling, her agency runs a separate VAW department with funding specifically for the provision of services for immigrant victims of abuse. The program offers support groups, long term therapeutic counseling and information for those navigating various legal systems. Anjali advised that in addition to emotional support, systemic advocacy forms a significant part of her work, given that most of her clientele are already entangled within the criminal justice system when they call her for assistance. Empowering service seekers thus entails facilitating their communication and contact with criminal justice officials, and supporting them in their interactions with the police and courts:

Most of my clients definitely are [already involved with the criminal justice system upon arrival.] A couple of clients I dealt with last week, their husbands have been apprehended by the police. Or she might be having a custody battle in the court. And if a partner has been apprehended by the police, usually a woman will want to drop the
charges. So, I have dealt last month a lot of women who are in the midst of this. What a lot of women want is information on how long it [the prosecution process] will take and what will happen. (Anjali, VAW counselor)

Anjali emphasized the importance of providing practical information about the prosecution process, along with ongoing emotional support. Like Miguel, she was extremely apprehensive about relying on law enforcement, which she understood to be far more disempowering than empowering for victims of abuse. Overall, she describes her interactions with the criminal justice system as “extremely frustrating,” largely due to mandatory policing and prosecution policies and her inability to address her clientele’s concerns when they insist on withdrawing charges.

In a handful of instances, counselors reported little involvement with official legal systems in their roles as middle modernizers. In these contexts, counselors aimed to empower women through “raising their self esteem.” Munira, for instance, works as a women’s program coordinator for a neighborhood organization. Though her agency does not receive funding for either settlement services or violence prevention, the idea of women’s empowerment is a guiding principle in her women’s group. Munira’s program is composed of recreational activities and educational workshops geared towards encouraging immigrant women to become “more public,” social and “independent.” The topics for her discussion groups vary, ranging from health care, sexual health, cooking, dental care and parenting. A few times a year, Munira administers workshops devoted entirely to the issue of violence against women, which she coordinates with December 6th, International Women’s Day and annual Take Back the Night demonstrations. The legal advocacy she provides is geared towards encouraging women to “talk about and fight for their rights.” Overall, her working knowledge of and involvement with the police and courts was minimal. Still, she emphasized empowering women through
consciousness raising and self esteem, rather than imparting knowledge about the intricacies of the criminal justice and immigration systems to her clientele.

These snapshots of daily life in the field of grassroots legal services for immigrant communities reveal very little consensus around the practice of legal advocacy and the ideas about the Canadian law that immigrant mediators transmit to their diasporic clientele. Service providers construct the police and courts as both friends and foes. While some aim to instill a sense of faith in the system, others work to challenge the idea that the law is a vehicle for women’s empowerment. Regardless of perspective, virtually all of the advocates, with the exception of Munira, displayed considerable working knowledge of both the immigration and criminal justice systems and mediated between clientele and the system on a daily basis. In some cases, as is evidenced by Maria’s discussion of her growing responsibilities and comfort with her knowledge of the immigration process, settlement counselors at times venture into more lawyer-like activities, such as representing clientele during hearings.

**Middle Modernizing and the Significance of Status**

Within the field of middle modernizing, there are multiple narratives about the role of the law in cultivating women’s empowerment and active citizenship amongst abused immigrant women. In addition, despite their positioning as intermediaries between their clientele and official legal and state systems, anti-violence counselors differentially deploy the law, depending upon the specificities of their positions; while some perform in many ways as lawyers or paralegals and heavily interact with the police and courts, others discuss the law on a more abstract level and demonstrate little knowledge of legal rules. Regardless of how they perform their work and what they do, as Silbey (2005) points out, non-profit quasi-legal services, which
form the middle ground between rule of law and civil society, are important cultural industries for the production of “legality,” the meanings, sources of authority, and cultural practices that are commonly recognized as legal” (Ewick and Silbey: 1998).

Analyzing quasi-legal services as an industry for legality raises several questions about the structure of the sector, and the educational and professional backgrounds of those mediating and producing ideas about the law. Theoretically, the field of community based legal services functions similarly to a law school in the sense that both serve as integral resources for the production of legality (Sewell: 1991). However, unlike the law school, which aims to produce a standardized understanding and way of thinking about the law, the field of quasi-legal services is far more unregulated and informal. In an attempt to draw an initial sketch of the sector, the following will examine the biographies, educational backgrounds and professional trajectories of immigrant middle modernizers. In so doing, I will highlight the forms of capital and cultural symbols service providers mobilize to perform their expertise and script themselves as the authorities on empowerment and active citizenship.

Although some may perform very similarly to lawyers, technically, quasi-legal advocates are not required to obtain specific credentials and or a particular method of social reasoning about social conflict in order to “think like lawyers;” socio-legal scholars, such as Mertz (2007), show how law schools perpetuate this cookie cutter approach and language for analyzing social problems (Mertz: 2007). As an unregulated, grassroots sphere, the pathways to becoming an advocate are far less standardized. In addition, unlike lawyering, the position of a quasi-legal advocate ranks as a job, not a profession. Despite the fact that the sector does not necessarily require specific credentials or advanced degrees, virtually all of the counselors and advocates interviewed in my study lived former lives as highly educated elites and professionals. For
instance, with the exception of one person, all of my research participants possessed graduate
degrees. Miguel, the executive director and founder of the legal clinic referred to earlier,
worked as a human rights lawyer and an economics professor in his country of origin before
immigrating to Canada as a refugee. Munira obtained a Masters in political science after
completing an undergraduate degree in social sciences and psychology. Maria completed her
PhD in political science as an international student at a university in Canada. Amina obtained a
graduate degree in law and also worked as an accountant prior to moving to Toronto. The
backgrounds of the remainder of my sample include the following: a former professor of
sociology, an instructor and principal of a women’s college, an economist who worked as the
Director of the Ministry of Planning in her county of origin, several social workers, an engineer, a
psychologist, multiple teachers, and a program director at OXFAM.

The elite status of immigrant gatekeepers is of considerable significance when we
consider their citizen building role in relation to historical instances of middle modernizing.
Within the context of colonialism and empire building, for example, political power relied on
colonized elites to facilitate the imposition of Western systems of law and governance and the
removal of local systems of rule. The laws of the colonized, while recognized, were viewed by
colonial regimes as a pre-modern form of “customary law,” since they did not incorporate
Enlightenment constructs of rights as a mechanism of governance (Mamdani: 1996).
Implementing Western legal systems was thus a way for colonizers to supposedly “modernize”
the colonized subjects. In British India, colonized elites formed an integral role in this process.
Cohn (1996) draws attention to strategies in which the British sought to absorb existing local
governors to act as gatekeepers in their regimes and administer justice. Indian elites also played
an integral role in translating and revising existing legal texts to develop property rights and the
mechanisms for delineating spheres of the public and private (Cohn: 1996). Similarly, Merry’s
(2000) historical examination of the colonization of Hawaii illuminates the involvement of local elites in European efforts to integrate Anglo-American law with the existing legal regimes. More recently, Sharafi (unpublished), explores the collaboration between Parsi governing elites and the British in a small colonized community in India. Sharafi’s work illustrates the complicity of Parsi elites, who openly welcomed and praised the British for bringing the rule of law to India. These, along with several other historical accounts highlight the relevance of class and status in authorizing colonized elites. By virtue of their socio-economic position and education acquired through their privilege, they were granted a veneer of respectability, distinguished from the colonized masses, and incorporated into colonial efforts to promote Western legality and “civilize” their own.

Clearly, contemporary middle modernizers are distinct from the governing elites who negotiated within colonizers in the past. In addition, political power in contemporary Canadian multicultural regimes operates differently from the structures of rule in colonial ones. However, examining the brokering and mediating roles of current immigrant gatekeepers through a postcolonial lens, which problematizes the liberal erasure of history in the name of modernity, highlights the overlaps between these old and new “native informants” (Spivak: 1999; Ku: 2009). These theoretical continuities raise questions about the significance of status is contemporary practices of middle modernizing. How does socio-economic position figure into relations of immigrants governing immigrants? Does elite status authorize contemporary middle modernizers in the same way it did in the past? And finally, do clientele differ significantly in terms of economic position from service providers?

Based on the few existing theorizations of the phenomena, class continues to perform a role in contemporary middle modernizing. For instance, in her analysis of Toronto’s ethno-
specific, settlement sector, Ku (2009) examines how the elite status of racialized immigrant counselors enables service providers to simultaneously “stand between the absolute Third World Other and the Western Subject” (Ku: 2009, 67). Class position and education, she argues, provide service providers with the rhetorical skills required to script themselves as “special speakers” of their communities and construct themselves as knowledgeable Westerners. Amit-Talai (1996), in her analysis of the “minority circuit,” a term she devises to describe the racialized immigrant professionals circulating between the fields of ethno-specific community based activism and government, makes similar claims, emphasizing the symbolic importance of these actors to Canadian performances of multiculturalism. Beyond Canada, within the more global field of human rights, scholars, such as Merry (2006) document the influence of transnational elites who serve as intermediaries between global and local fields of anti-violence activism.

Within the context of the United States, studies of middle modernizing not only highlight the elite status of agency employees; they also illuminate distinct class differences between service providers and their immigrant clientele. Ong’s (2003) governmentality analysis, for instance, explores the assemblies of medical, voluntary and social service organizations involved in transforming working class, Cambodian refugees into ideal American citizens in the Bay area. Although her ethnography does not focus exclusively on violence prevention or on immigrant and ethno-specific services, her study highlights how anti-violence counselors mobilize “dominant middle-class norms” along with a “feminist infused refugee love” to create “respectable” gendered ethnicities (Ong: 2003, 147).

Lan’s (2007) ethnographic account of a Chef Training Program at the Chinese American Cultural Center (CACC) in Chicago’s Chinatown also illuminates the relevance of class in relations
of culture brokering within immigrant communities. Lan examines how CACC staff strategically employ model minority discourses, particularly a “middle class racial ideology of strategic colorblindness” to negotiate for funding from the state (Lan: 2007, 256). One tactic the organization employs involves emphasizing the distinctions between Chinese-Americans and other racialized communities, particularly the African American and Latino populations, to mainstream funders. Board members also deploy terms such as “hard working” and “well-educated” to construct the Chinese community’s congruence with “mainstream values” (Lan: 2007, 260). Along with highlighting the relevance of class and respectability to organizational efforts to secure funding, Lan also shows how these dynamics surface and play out within the micro-interactions between front-line workers and their clientele. At the CACC, a clear class disparity exists between the early Chinese migrants who administer the chef training programs and the post-1965 migrants who attend for services. In delivering the course, trainers overtly draw links between success, class and respectability, and aim to construct their clientele into a tolerable difference. Lan observe how personal hygiene, social etiquette and life habits become terrains on which the mainstreaming of the new immigrant occurs. Instructors frequently advise newcomers on proper hand washing, hand shaking, how often to trim facial hair, and the hazards of bad breath.

Class disparities between immigrant service providers and clientele are also relevant in Rudrappa’s (2004) ethnography of Apna Ghar, a South Asian women’s shelter in Chicago. The interplays between class and respectability within this contemporary instance of “others governing others” are very much reminiscent of how middle modernizing transpired historically. A former support worker for the shelter herself, Rudrappa documents how middle-class service providers positioned themselves in relation to working-class shelter residents, and unearths the narratives of civility and incivility many consistently deployed to authorize their interventions.
For the predominately Hindu and Indian shelter workers, class narratives were firmly intertwined with religious and national scripts in performances of respectable “otherness.” Counselors consistently attributed the problem of domestic violence in immigrant communities to “families with poor cultural values and low levels of education,” which they in turn coded as distinctly Muslim and Pakistani phenomena (Rudrappa: 2003, 19). Caseworkers in Rudruppa’s study were blatant with respect to their efforts to draw boundaries between themselves and their clientele along class, religious and national distinctions. The following is just one of the many examples of such narratives:

Abuse depends on the class of society they come from. If they are from upper classes, abuse is emotional. If they are working class, there is physical abuse too. Pressure builds up for these uneducated, lower class people. They start drinking and the abuse begins. It depends on culture and training. Pakistani women have more abuse. We get more women from Pakistan. (Rudrappa: 2003, 19).

Within the context of middle modernizing in immigrant communities in the United States, clear class distinctions exist between service providers and clientele. As was the case historically, elite status is central to authorizing the interventions of immigrant gatekeepers in their efforts to empower abused immigrant women and newcomers more generally. Middle modernizers draw on their privilege to differentiate themselves from their immigrant clientele and construct themselves as the experts on active citizenship, female empowerment and male violence.

“A Return to Zero:” Migration and the Loss of Status

Within the context of Toronto’s field of immigrant serving organizations, however, the links between class, capital and expertise are far more complex. Although, as noted earlier, these immigrant gatekeepers are also elites, the similarities with their historical predecessors
and their American counterparts end there. In my study, rarely did class manifest in governing relations in the ways described by Ong (2003), Rudruppa (2003) and Lan (2007); in fact, the intertwining of class with respectability in explaining the disempowerment of the abused immigrant woman, the occurrence of domestic violence in diasporic communities, and in performances of expertise amongst Toronto based service providers was noticeably absent. In addition—and clearly related to this absence—based on narratives from counselors, there appear to be very few class distinctions between service providers and their clientele. Although clearly, a disparity in social and economic capital may exist between newcomer service seekers and immigrant counselors already settled in Canada for a significant period of time, the general characterization of clientele suggests that they, like service providers, were also formerly elites. In fact, the only moments where class emerged as even relevant to either the struggles of abused immigrant women, or the expertise of the immigrant gatekeeper, occurred in the context of discussions about a loss of economic capital. Immigrant service providers constructed these experiences of downward mobility as a condition they largely shared with their clientele.

While service providers were not asked explicitly about the class positions of their clientele, at various points in their interviews, many provided unsolicited comments about the socio-economic status of service seekers during general discussions of barriers abused immigrant women confront. For instance, Sara, an executive director of an ethno-specific, immigrant women’s organization, characterized the women who attended her agency as over-qualified, highly educated, and trapped in survival jobs. Others discussed the financial stresses associated with the loss of capital and settlement, which they viewed as contributing to the problem of domestic violence in the immigrant home. Munira, the coordinator of her agency’s women’s program, provided a more comprehensive account of the class backgrounds of
clientele, based on both her professional and personal involvement with grassroots organizations as a benefactor of services when she first arrived to Toronto. While emphasizing the importance of grassroots assistance for the empowerment of abused immigrant women, she commented on the ways in which the condition of being privileged complicates the provision of services to immigrant communities. Specifically, she remarked that her clientele “don’t know how to find the resources because they are so educated.” Due to their former lives as elites, the women Munira sees lack the habit of help seeking. Consequently, they often “stay isolated” and indoors. To Munira, “staying private” and living without social connections is synonymous with disempowerment. She recalled an interaction with one of the immigrant women in her program:

They don’t know where to find the resources because they are so educated. One lady was living here almost three years and we were talking about going to the mall. And she asked, “How do you go to the mall? And I said, “We use the subway.” And she said, “No I like to use the TTC [Toronto Transit Commission].” And I said, “The TTC and subway are the same thing. TTC [stands for] the Toronto Transit Commission and it’s under the subway, bus, streetcar, everything. And she said, “No, the TTC is different and the subway is different.” They are educated, but when they come here, they are so confused! (laughs) (Munira, women’s counselor)

Narratives indicating an absence of class disparities between service providers and clientele, as well as the noticeable lack of “class talk” in discourses on violence in immigrant communities, which regularly surfaced in the American studies on immigrant middle modernizing, suggest a more complex relationship between elite status and expertise in this field. The construction of immigrant clientele as suffering from downward mobility and a loss of capital, rather than an absence of middle class values, reflect statistical patterns of immigration to Canada, which overall depict recent immigrants as largely well educated, professionals. Generally, migrants
relocate to Canada via one of three general categories: family class, refugee and skilled worker (Bauder: 2003). The skilled worker class poses the most stringent requirements in terms of human capital; in order to obtain the requisite number of points to be considered as a candidate for immigration, applicants must possess a minimum requirement of educational attainment and labor market experience to demonstrate their ability to “become economically established in Canada.”\(^{40}\) Statistics Canada (2003) figures illustrate that of the 12,000 migrants included in its Longitudinal Survey of Immigrants to Canada (L.S.I.C.), who represented the total of 164,000 immigrants moving to Canada between the years of 2001 and 2002, the vast majority, or 76%, did so as skilled workers. Of this proportion, approximately 87 % possessed university degrees (Statistics Canada: 2003, 3). More recent figures from Ontario Canada show that in 2008, 53.3 % of the 110,895 individuals who moved to the province migrated via the Economic Class.\(^{41}\)\(^{42}\) Of this group, 42.2% migrated as foreign skilled workers. Thus, unlike historical and contemporary American instances of middle modernizing, the leverage of class does not materialize as a source of expertise amongst Toronto’s immigrant gatekeepers in initiatives to construct active and empowered citizens. Overall, narratives from service providers and statistical reports suggest that counselors and clientele largely share a similar socio-economic position as elites.

In addition, discussions of downward mobility amongst interviewees when describing their clientele also reflect larger immigration trends in Canada, specifically the phenomenon of “brain drain,” or “brain abuse” (Bauder: 2003). This phenomena of de-credentialization has been targeted as an issue of national concern by Citizenship and Immigration Canada (C.I.C.),


\(^{41}\) “Economic class” is an umbrella term, which includes the foreign skilled worker category, as well as several smaller subcategories including the Live-in Caregiver and Business Immigration classes.

which tracks the problem through its Foreign Credentials Referral Office (F.C.R.O). Service seekers, as well as the agency employees themselves, are all casualties of contemporary labor market practices which designate Canadian work experience as an entry point into professional occupations, and delegitimise “foreign” credentials. Research illustrates that professional associations and regulatory bodies are the root source of the problem. In addition to deploying extraordinarily tedious requirements for immigrant professionals to gain accreditation, these institutions fail to provide mechanisms for assessing foreign credentials prior to migration. This oversight deprives newcomers of the abilities to determine and prepare for the devaluation of credentials before their arrival in Canada (Bauder: 2003, 702). Along with the restrictions created by professional associations, the provincial government imposes additional regulations on several fields, including social work, law and teaching. The frameworks for assessing foreign credentials vary according to profession.

The processes through which immigrant professionals obtain the recognition of their credentials is time consuming and expensive. In addition, although the assessments for determining equivalency were designed to be objective, research reveals that ultimately, the assessment of worth is a subjective process, loaded with symbolic and immeasurable constructs. For instance, in their analysis of a professional organization regulating the field of engineering, Girard and Bauder (2007) found that while the majority of immigrants met the academic standards of equivalency, selection agents deployed additional criteria associated with

44 http://www.cicic.ca/2/home.canada
45 The Canadian Information Centre for International Credentials (C.I.C.I.C.) lists the procedures for over 200 regulated professions on their website. In most instances, applicants pay a fee for professional associations to assess the equivalency of their degrees and courses of study to those offered by Canadian institutions.
“communication and presentation skills, as well as norms of work place behavior, dress code and professional ethics” (Girard and Bauder: 2007, 49). These more abstract guidelines and standards constructed the “Canadian trained engineer” as the official and idealized standard.

In addition, research shows that not all immigrants experience the downgrading of their credentials and capital equally. “Brain abuse” is overwhelmingly a byproduct of migration for non-Western, diasporic professionals. Generally, immigrant professionals from the United States, the United Kingdom and Western Europe fare better in gaining the recognition of their credentials and re-entering their professions (Ngo and Este: 2006). In contrast, those outside of this demographic rarely obtain employment relevant to their professional and educational training. The differential impact on diasporic subjects outside of the West illuminates how “de-skilling” is ultimately a processes of “otherizing;” the credentials and knowledges deemed suspect and in need of regulation are those produced outside of West, and therefore on the side of incivility. The ultimate effect is an exclusion of the “other” and the more or less permanent marking of “foreigness” through the devaluing of human capital.

All of the service providers in my study offered long narratives about their own struggles with downward mobility and settlement. In some cases, immigrant gatekeepers recognized this process as a form of “otherizing,” though they did not always deploy this terminology. In other instances, the downgrading of credentials, the process of paying your dues through survival jobs, and then ultimately, rising above the hardship through sheer will and hard work were simply part of the immigration experience. Narratives from Miguel, the executive director of an immigrant legal clinic, and Sara, the executive director of an immigrant women’s organization, illustrate the first perspective. Sara describes her migration and settlement to Canada as a “return to zero.” As a former teacher at a woman’s college in her home country with a Masters
degree in English, she initially intended to pursue a career in Canada in education as either an administrator or teacher. However, regulations privileging Canadian work experience and preventing the recognition of her 17 years of prior professional expertise left her with no option but to start from scratch. In stark contrast to her hopes of pursuing work in the field of education at the upper echelons of administration or on the front lines, the only position she found herself qualified for following the disintegration of her human capital was that of a hall monitor.

Miguel, who worked as a human rights lawyer and a professor of economics in his country of origin before migrating to Canada, relayed a similar story of frustration. When asked about his social network in Toronto – an attempt on my part to gain a sense of his social capital – he mentioned a close lawyer friend, who, he advised, “started to see me as the lawyer that I was.” Having a friend mirror his former self was “extremely important” to landing on his feet during while building a life in Canada. He recalls with bitterness the loss of his professional credentials and importance of his friendship in enduring the experience. In his own words:

To come here, the system said: “You are not a lawyer, you are a fucking nothing here. That’s what the system said to me. You have been a professor, but you are nothing. You are an economist, but we don’t care. Then this [friend] said, “Don’t worry. We know who you are. We don’t care about the position of the government or whatever. Work with us. And he helped me a lot [through] supporting me. I didn’t really have depression, but I was dealing with huge changes and some depression was there. And he was the one helping us. (Miguel, executive director & front line worker)

Miguel described a second friend, also a lawyer, who hired him as a full time paralegal for a refugee law office, which, at the time, required a researcher for a project on Ontario legal aid. Despite a lack of formal Canadian experience, Miguel was hired for his general analysis of structural marginalization and his approach to understanding legal systems.
Others presented a far rosier account of loss and resurrection, despite undergoing similar experiences of disenfranchisement. For instance, Amina, a settlement counselor at an ethno-specific women’s organization, relayed the prototypical immigrant story of struggle and triumph, privileging individualized factors such as work ethic and a positive attitude as the means to overcome structural marginalization. Prior to moving Canada, Amina worked as an accountant in her country of origin and obtained a degree in law. Her path to Canada was not direct; after fleeing her home country due to war, she migrated as a refugee to Pakistan, where she eventually settled temporarily, working for a non-profit, women’s organization. She decided to migrate to Canada after the organization she currently works for, an affiliate of her organization in Pakistan, offered to sponsor her. Despite her plans to continue working in the non-profit sector and her sponsorship support, Amina was unable to find a job in this field, largely due to, she advised, her limited English language skills. Shortly after enrolling in English as a Second Language (ESL) classes, she accepted a job working in a coffee shop. She described the experience as humiliating and degrading. Along with enduring the hostility of a racist manager, she was regularly enlisted to work the worst shifts and the dirtiest chores:

I had a troubled experience working there [a coffee shop]. I had the worst shift as a newcomer. I couldn’t complain because I needed the money. I had the worst shift, the worst chores. Back home, I did law and I was working as an accountant, so it was really hard for me to get the mop and clean the stuff. The hardest part was cleaning the washrooms...The schedule was always open, so you didn’t know how long you were specifically working. When I noticed the schedule [one] week, I saw that I’m the one cleaning all the washrooms for the whole week. I got really angry. And I said, “Why are you doing this? It’s not fair.” And the owner of the shop told me to take it or leave it. (Amina, settlement counselor)
Eventually, with the encouragement of her husband, Amina quit and took another job at a coffee shop, an experience she describes as “wonderful.” Her new place of employment offered a far more structured work environment with policies that gave employees the “rights” to select their own shifts and “freedom” to change their assigned work hours. After a year of working on her English language skills she applied for a position at her organization as a settlement counselor and got the job.

Depending on their particular narrative of law, citizenship and empowerment, counselors deployed these survival stories of downward mobility differently. Although in all instances, service providers drew on them to cultivate connections with their clientele and perform as knowers of the immigration experience, a few scripted their experiences as personal stories of triumph to construct themselves as paragons of active and empowered citizenship for their clientele. Amina, for instance, described what she tells service seekers when they “start complaining” about the “Canadian system:”

Mostly when I see people and they are complaining, I tell them, we have had a hard time [getting] here, so appreciate what you have right now. And it’s in our own hands, how we can direct our lives in Canada. There are so many opportunities available, we can open and close any door. If we want it, open it. So, it’s always our own ambition, how we make things work for our advantage. When I came here, I found a job and enrolled in college. I found a job and I found a way to live here and found a way to obtain a better future for my kids, to not let them suffer what I’ve been through during my years in Pakistan. Every single person from [my country], we have the experience of as a refugee...When they come here complaining about the lifestyle here, I tell them, everything is so straightforward, these are the services available, these are the things you can get, but you have to work a little harder...We are persuading them and we are trying to empower them through securing employment, getting English [skills], getting
an education and career. So we are trying hard to let them know that opportunities are available to them. So go and grab it. (Amina, settlement counselor)

Despite her hardship and the fact that both she and her husband—a former engineer who currently works for a furniture installation business—did not experience upward mobility as a happy ending to their bootstrap story, Amina deploys her narrative of downward mobility to construct herself as an expert. Overall, however, this was rare. Service providers for the most part drew on their stories of survival to construct themselves as empathetic to the hardships of their clientele. In this sense, a loss of capital outside of the sector transforms into a form of symbolic capital within it. While this may not be so surprising, when we consider these processes in relation to how immigrant settlement and anti-violence services were historically delivered, they highlight important discrepancies. As Iacovetta (2006) illustrates in her analysis of the Toronto’s settlement services after World War Two, native born Canadian performed as the experts on citizenship as well as violence in the immigrant home. Thus, historically, identification and empathy played no role in the transformation of diasporic subjects into active citizens, or abused immigrant women into empowered Western subjects. In contemporary instances, however, experiences of being “otherized” through processes of downward mobility are crucial to the expertise of the immigrant gatekeeper.

Before they were “Others:” Immigrant Middle Modernizers and the Everyday Citizen

So far, this discussion has focused on how immigrant gatekeepers deploy the symbolic material of suffering—specifically, narratives of loss of capital and downward mobility—to construct their expertise and draw similarities with their clientele. The remainder of this chapter will move away from these accounts of loss and suffering that so often frame the
immigrant trajectory to citizenship (Ong: 2003; Honig: 2001) and draw attention to the lives of the immigrant gatekeepers before they were others. Examining migrant counselors when they were just average, everyday people is important given the prevailing discussions of immigrantness and citizenship within liberal democratic regimes. As Honig (2003) shows, the immigrant is a figure who never gets to be normal; constituted as either “abject” or “supercitizen,” she is eternally confined to the realm of the extraordinary. In addition, if we are interested in the legal consciousness of the immigrant gatekeeper, and the scripts of legality she deploys to empower immigrant women and encourage active citizenship, shifting the gaze to when she was ordinary is a logical, methodological step. Ewick and Silbey (1998) developed and deployed their method for examining legal consciousness to capture a “picture of legality unmoored from official legal settings and actors,” and to map variations in legality in mundane, everyday experiences (Ewick and Silbey: 1998, 24). They define the abstraction of “everyday life” as those “events and practices that seem on the face of things, removed from the law, or at least not dominated by the law from the outset” (Ewick and Silbey: 1998, 23). Given their interests, they focus their analysis on the everyday person.

Applying Ewick and Silbey’s method for examining the everyday presence of law and construction of legality amongst the immigrant gatekeeper thus raises some concerns about the potential problem of fit. Specifically, unlike the ordinary person, the law is a far more obvious presence in the life of the quasi-legal advocate. Even if she does not actively engage with official legal systems on a daily basis, her role necessitates the perpetual reflection on scripts of empowerment and citizenship, and the best ways to help people help themselves. In addition, for the immigrant subject more generally, the practices of law and citizenship are far more explicit than they are for the naturally born citizen. Whereas the latter are simply assumed to know how to be citizens, the diasporic subject needs to be explicitly told. Thus, accessing
memories and constructions of self amongst immigrant middle modernizers when they were just regular people illuminates more precisely how they became the immigrant subjects that not only know about citizenship and empowerment, but the experts with the requisite knowledge to teach about them.

Spotlighting memories of the everyday in counselors’ narratives from when they were just “normal” citizens shows that scripts of empowerment and feminist understandings of male violence were not simply things they discovered or realized once they hit Canadian shores, and took on their mediating roles. For many, the cultural material of empowerment, and women’s empowerment specifically, formed part of their everyday existences. Prior to their migrations, a number of counselors were already involved in the provision of anti-violence services, anti-poverty advocacy, and efforts to improve the social, political and economic positions of women either professionally or informally in their countries of origin. The discourses of empowerment and active citizenship are thus not something immigrant gatekeepers acquire or learn in the process of becoming Western liberal subjects. In contrast to colonial logics and liberal feminist assumptions, these languages are alive, well and embedded in the national imaginaries of the “other.”

For those already skeptical of western claims of superiority with regards to the treatment of women in relation to the east, drawing attention to scripts of women’s empowerment in spaces imagined to be devoid of them is not surprising. Post-colonial feminist scholarship, for instance, has generated significant critiques of western-based, global feminist projects aimed to “liberate” abused women abroad, and the movement’s assumptions that non-western nations lack the tools and collective consciousness to address violence against women on their own terms (Razack: 2003; Razack: 1998; Grewal: 1999; Mohanty: 2003). However, the
assumption of the “other” as lacking an understanding of violence against women as wrong, and fears that “foreigners” will import a range of abusive practices towards women in the name of “culture” persists within mythologies of liberal democratic regimes. Illuminating the symbolic material of women’s empowerment that immigrant gatekeepers carry with them to challenge patriarchal practices and violence challenges assumptions that Western liberal democratic regimes have a monopoly on women’s empowerment.

Global Flows: Tracing Ideas of Law and Citizenship from the East to the West

Drawing attention to these scripts is also an important counterpart to socio-legal and legal consciousness scholarship analyzing the global flows of legal constructs. Existing accounts have documented the movement of Enlightenment notions of rights, welfare and freedom from the west to other parts of the world, and how they impact communities abroad, particularly in relation to the global human rights movement (Merry: 2006; Engel 2005; An-Na’im: 2002; Goodale: 2002; Speed and Collier: 2000; Massoud: 2011). While some, such as Engel (2005), question the allure of these constructs through illuminating their inabilities to resonate with a collective sense of justice within the communities he observes, others, such as Merry’s (2006) research on the human rights and gender violence movement, suggests a synergistic effect between local ideas of women’s liberation and “global” human rights constructs. Merry (2006) analyzes the gatekeeping role of global elites navigating between the United Nations and their local communities. Her key interest lies in understanding how activists deploy human rights norms to raise the rights consciousness of victims of abuse. Her research suggests that intermediaries deploy techniques of cultural framing to communicate ideas of female empowerment to local communities. The translation process involves the use of existing
cultural scripts and symbols to ensure human rights concepts resonate with communities they serve, amongst whom knowledge of the ideas is assumed to be absent. Merry illustrates her findings with reference to techniques of governance amongst anti-violence counselors in India, revealing how service providers reference Hindu goddesses to develop ideas of “feminine spiritual power,” or “shakti” to ensure its resonance with abused women. Her work suggests that local ideas of women’s liberation and “global” human rights constructs require each other to become meaningful; without cultural framing, she argues, notions of “rights” and “empowerment” fall flat because they do not resonate with local sensibilities. At times, however, human rights frameworks provide avenues for resistance in locales where violence against women appears to be “an everyday normal problem” (Merry: 2006, 2).

Inverting the lens and examining the practices of female empowerment immigrant gatekeepers articulate as specific to their work “back home” not only offers a different contribution to the well researched trajectory of the west-to-east flow of legal abstractions and norms. It also destabilizes a binary of tradition/modernity through drawing attention to the mobility of women’s empowerment ideas from the East. To be more specific, movement is associated with cosmopolitanism (West), which is generally understood to be antithetical to tradition (East); tradition being absent of movement, is something that stands still in time and space. The cultural material of the east is thus imagined to be stuck, unchanging, behind the times and in the past. Illuminating how ideas of female empowerment from the supposedly “pre-modern” east also move questions this stagnancy, and also challenges assumptions that women’s liberation is an exclusive possession of western liberalism.

The remainder of this chapter examines the former lives of immigrant gatekeepers as practitioners of empowerment in their countries of origin. In many instances, my interviewees
shared their memories when asked directly about how they got involved in the field of anti-violence services. In others, these stories emerged organically, particularly when counselors relayed their critiques of the “Canadian system” and how it conceptualizes and implements philanthropic interventions for abused women.

“In India, We Don’t Think Like that; We Go Out in the Sun:” Philanthropy and Empowerment in the National Imaginary

I first met Jaya, a settlement counselor at an ethno-specific organization, close to a decade ago, during my days as a court-based, victim support worker. Jaya phoned my office inquiring about whether anyone was available to deliver a presentation on the criminal justice system to her clientele for the organization she worked for at the time. Due to my ethno-racial background and non-profit work experience, my supervisor recommended me. After administering a very well received information session on the policing and prosecution of domestic violence, Jaya and I promised to stay in touch for the future collaborations. But, as is often the case, life and work derailed our best intentions and we fell out of touch. We became reacquainted almost five years later when I randomly phoned a settlement organization with the hopes of recruiting a research participant and Jaya happened to answer the phone. Recognizing my name she asked, “Rashmee, it’s Jaya; do you remember me?”

Since our last interaction, Jaya had left her previous employer, an ethno-specific women’s organization, where she was hired temporarily to design an outreach project on violence against women for the South Asian community. After her contract expired, she found another job as a settlement counselor for an immigrant agency, where she regularly organized women’s groups, alongside her routine settlement responsibilities. Jaya pursued her passion to
work with abused women with a tenacity and zeal that very few can maintain in the VAW sector. Her involvement in the field of anti-violence services dates back to her life as a social worker in India, where she worked for a children’s and women’s organization that specialized in poverty relief. Jaya’s nostalgia for and pride in her previous philanthropic endeavors was palpable; in the midst of our interview, she showed me a scrap book of newspaper articles and photos documenting the successes of the agency. She relayed long, detailed stories about the various projects she pioneered and the empowerment strategies she deployed when working with abused women in the basthis, impoverished communities in India. The basthis, she explained, were re-settlement colonies formed following government sponsored efforts to forcibly remove poor residents from areas slated for urban development.

For Jaya, empowerment and active citizenship were relational projects. The strategies and initiatives she deployed as a social worker in India not only involved transforming the poor into active citizens, but also entailed changing the subjectivities of the rich and middle class, the latter of which are rarely constituted as problems for liberal governance in Western contexts. To involve both groups, Jaya regularly designed projects aimed to “break down barriers” and “bridge the gaps” between classes. Her most celebrated project—which was the subject of the several newspaper articles in her scrap book—entailed a community exchange program between students at the public school in which she worked and the families living in the resettlement colonies. According to Jaya, rather than simply providing food and clothing to the basthi residents, her initiative aimed to encourage a sense of class consciousness amongst the students, and to create a project where “both classes were benefitting.”

46 Public schools in India are akin to private schools in Canada and the United States. They are not funded by the government.
The [basthi] is a re-settlement colony. You know when the government says, okay, here we want to make buildings, so all of those living in huts are re-settled somewhere else. And the rich people were coming to my school for studying. These children didn’t know how their maids [lived] or how to talk to a poor person. There was a class difference. So I told the family that you know, we need a project to teach children...when will they learn that [the residents of the basthis] are human beings, whether they have money or not? So, let’s take their [the student’s] education to the basthis.

According to Jaya, providing meaningful, transformative and effective empowerment work involved targeting not only the marginalized or poverty stricken, but also the wealthy. She problematized the privileged as lacking awareness and aimed to raise their consciousness through directly involving them in her poverty relief projects. For Jaya, strategies of active citizenship and empowerment were thus just as important and relevant to the middle or upper class citizen. Unlike typical Western liberal techniques of citizenship, her interventions entailed building conscious citizens through direct interactions with those who are typically constituted as problematic, rather than only fostering change amongst poor and marginalized subjects.

Breaking down barriers was also a central principle to Jaya’s work with abused women living in the basthi. She described providing support and accompaniment to women when they reported abuse to the police, an activity she found frustrating given the negligence of law enforcement. In contrast to the helpless and oppressed feminine “other” generally depicted in western orientalist fantasies, Jaya described the abused women she encountered as all very aware that the violence they experienced was wrong; in addition, most wanted to separate from their abusers. Their hopes to end their relationships, however, were often squashed as a result of police inaction. Due to the failures of the law, Jaya made a point of regularly attending women’s homes when they requested her assistance to offer more extensive emotional support and counseling. Her insistence on providing services to clientele in their own homes or terrain
was a guiding principle of her women’s empowerment project. Along with breaking down barriers, she insisted that such strategies were far more conducive to empowerment, given that they enabled stronger and more intimate bonds to be developed between counselors and abused women. In addition, she emphasized once again, the importance of relational citizen building. To emphasize these principles, Jaya described another project she launched from the school at which she worked, which involved taking her students to the prisons to work directly with incarcerated women:

I had always wanted to work in the central jail with women clients. [With women prisoners?] Yes. But they didn’t allow me [at first]. But when I joined the school, I took my students to the central jail. I took them and I said, “You should know what happens in the jail and why women are [being imprisoned.] During that time, drug problems were coming up. So, we would make programs, from singing or some painting competitions, for the jail inmates.

Jaya’s memories of her work back home surfaced as intense nostalgia during the course of her interview. She missed the “Indian way” of working with clientele and expressed considerable frustration with the “Canadian system.” Specifically, her dissatisfaction stemmed from her inability to incorporate her philosophy and strategies of empowerment cultivated through her educational and professional training back home into her daily work as a settlement and anti-violence counselor in Toronto. Jaya’s anger with the Canadian system, particularly government funding structures, which dictate a minimum number of clientele to be served monthly, materialized repeatedly throughout her interview. She railed against what she viewed as the superficial, numbers obsessed and impersonal Canadian way of empowering the abused woman, which she deemed ineffectual and overrun by business logics. Success on Canadian terms, she explained, was defined quantitatively; funders “only care” about the number of clients seen, rather than providing counselors with the time and money to provide thorough and
ongoing support to address a victim’s practical and emotional needs. The pressure to satisfy these bureaucratic demands, which need to be fulfilled to maintain and acquire future funding, leads to an assembly line method of service delivery where clientele are “treated like file numbers.” For Jaya, this amounts to simply “providing referrals, making women aware and sending them off to another agency.” She conceptualized this bastardization of empowerment work as quintessentially Canadian:

It is a file you are working on in the Canadian system. It’s a number you have to provide to the government [which indicates] that I saw these people. But, I am not dealing with a number. I don’t want to write that I saw a thousand people in one year. No! Even if I saw 20 people, those 20 people are set [settled]. There are organizations that said they saw 1000 people, but not even 2 are set! They hardly spend the time [with them]. So what I want is the system to provide me with funding and I want to tell them that I will settle 20 or 30 women in a year’s time. Give me the time and give me the freedom. And support me when I’m doing that. This [anti-violence and settlement work] has become a business for organizations.

The government closes its eyes. Why? I know there are problems with abuse and family violence that are happening in the homes of newcomers because of stress. The government should fund this problem [because it exists.] I want to provide them [women] with counseling. And the government should fund me to provide counseling. Because when I give them a session, or when I call them for 45 minutes, my boss will not pay me. And if I keep them for one hour in the room, my boss will say, “Why are you taking so long with one client?”

Unlike the Canadian system, Jaya explained, in India, empowering women involved a far more extensive and in depth regime of interventions, through which serve providers took the time to cultivate relationships, and in certain cases, friendships with their clientele. The “Indian way” of delivering services involved circumventing boundaries of the public and private to address the root causes of violence and to raise the consciousness of both counselors and clientele.
Becoming embedded within the community and “taking risks” are critical to engaging in strategies of relational empowerment, which she considered to be absent from the terrain and structure of Canadian philanthropy. Obsessed with the logics of safety and risk, Canadian service providers will not dare to venture away from their offices “without insurance.” Rather, the onus is on the service seeker to come to them. Jaya elaborated on the distinctions between Indian and Canadian methods of outreach and empowerment. Though she felt “bound” by the government’s “thoughtless policies,” she regularly aimed to conduct her work her own way:

My idea of outreach was the way people used to do it back home. Just go into the community and be there. Talk to people, talk to families and enter the houses. See what is happening. When you go visit them, there are more bonds formed, it is more genuine. I could also sit here, like the other agencies and say, “okay, this is my office, if you need help, come here;” But I say, “No, I have the funding...It’s not like I’m doing an obligation to you. I’m being paid for this. I provide a service.” I’d like to make friends with people in the community, so it’s not like they are confiding in someone they don’t know. I am one of them; I have some knowledge and they have some knowledge...My philosophy is that this worked in India and this will surely work here. Because people remain the same and problems remain the same. You only need to take an interest. When we come to Canada, we [immigrant service providers] come to think, “Oh, we have an air conditioned office, we won’t go out in the sun. But in India, we don’t think like that. We go out in the sun.

Disillusioned with the Canadian non-profit “industry,” Jaya advised of her plans to begin her own settlement and anti-violence organization for South Asian women, which would incorporate her strategies of empowerment from “back home.” Along with forming personal and long lasting bonds with clientele, her vision for her agency also entailed transforming clientele into potential service providers in order to challenge perceptions that they are disempowered and “good for nothing.” The relational tactics of empowerment she proposed thus involved a form of
philanthropy where service seekers and providers both transformed into active citizens through knowledge transfers. For Jaya, Indian strategies of empowerment are not guided by a neat, binary opposition of active and abject citizen. Viewing these boundaries as permeable, she hoped to challenge this division, which she believed the artificial, superficial and business-like methods of Canadian philanthropy maintained by privileging air conditioning over the sun, the office over the home, and a bureaucratic numbers game over genuine attempts to foster women’s empowerment.

“By Keeping Yourself Separate from the Process, You Never Learn the Process”

Jaya was not the only research participant disillusioned with Canadian style of empowerment and philanthropy. Sunil is a program director at a large, ethno-specific immigrant services organization, where he is employed to supervise the delivery of the agency’s Immigrant Settlement and Adaptation Program (I.S.A.P.), the Newcomer Support Program (N.S.P.), counseling for victims of domestic violence and an initiative launched to address elder abuse against senior Afghani women. As an administrator, Sunil is primarily responsible for mobilizing funds for his programs, writing grant proposals, and compiling progress and statistical reports for his funders. His professional experience in the field of non-profit services dates back to his life in India, where he worked for Oxfam and a number of other philanthropic organizations for 18 years. Like Jaya, Sunil derived his understanding of empowerment from working with India’s “poorest of the poor,” in his case, the “tribal” communities regularly subjected state violence, due to the lack of government recognition of their rights to their land.
While not as frustrated with Canadian methods for building and empowering active citizens as Jaya, Sunil did relay what he considered to be significant differences in the meaning of empowerment in Canada and other parts of the world and the deficiencies in Canadian strategies. From his perspective, Canadian practices only scratched the surface of social marginalization. The solutions the system proposed were band aid efforts, which failed to get at the “root causes” of the problem. With regards to initiatives aimed to empower abused women, he expressed concerns that Canadian non profit organizations provided “no campaigns for awareness building; they just provide services after the fact.” Their heavy reliance on the criminal justice system magnifies the problems. Rather than resolving the issues, the system only wants to separate families and pays little regard to the desires of victims themselves. According to Sunil, such surface level interventions which privilege the supposed expert’s knowledge over that of the client, was antithetical to the empowerment process:

“I’ve worked a long time on empowerment processes, for 17 or 18 years. The meaning of empowerment is different here. Here, it’s about providing information. When you provide information, you control the process, you decide [what’s best for the client.] Ultimately, I wish the community had access to the decision making process where they can have their voice. This [providing information] is not true empowerment. And so we are not able to address the systemic barriers. Family violence is a symptom. This society only addresses the symptoms, where as in Africa and other countries, the symptoms are addressed. The services are the entry point so that they can organize people, empower them and create an awareness. You know, the empowerment process is a slow process; it is not a one time activity. It yields results over a period of time.

Like Jaya, Sunil conceptualizes a thorough, client centered strategy of empowerment as a foreign concept to Canadian field of philanthropy, which favors quick fix, band aid solutions for solving social problems. Unlike the empowerment interventions deployed back in his home country, Canadian interventions fail to consider that the process of building active citizens takes
Sunil drew on his memories of working with Oxfam to describe how he derived his understanding of empowerment and active citizenship. While he attributes his perspective to his British and European training while at the agency, he also reminisced about the knowledge he acquired through his direct action work with Indian tribal communities, whom he valorized for developing a “pure life, dedicated to nature, god and spiritual system,” in which they “don’t have to exploit anybody.” He detailed the democratic political processes deployed in the communities, remarking on how “easy” it was facilitate community capacity building, given their strong sense of community:

They are dependent on forestry. And the lands of the tribal people are slashed away by the government. It’s an unjust economic and political system. They don’t have a voice, because they are very simple. They are not educated, in a sense, not literate, but they are very well-educated. They are very well civilized, but not civilized like us. So, they
don’t have a voice. So we tried to organize them. And this community is easy to organize because they have strong community feelings and bonds also...And [they have] a very open society. And an open community means they will enjoy a better status than our society. They are treated as equal members of the community and they can participate in all spheres of life.

For Sunil, true empowerment strategies deployed the existing fabric of targeted communities to promote participation in dominant political structures and frameworks for citizenship. They also entailed ensuring that the disenfranchised were actively involved in defining the conditions of their own empowerment. He identified such practices as endemic to a global non-profit sector for delivering services, which he considered to be absent from the terrain of Canadian philanthropy. The Canadian system, with its emphasis on service delivery, exacerbated the disempowerment of the marginalized:

A non-profit organization, from my understanding, should be only an enabling agency. It should not be a delivery agency. The delivery agency is stopping the process. But, if you enable people to understand their situation, they can decide how best to mobilize the community for their betterment. They become part and parcel of the process. That is the true development process. They fight for it, they get it and they think, we have done it for ourselves, not [mentions the name of his current agency.] The whole system here is creating dependence. And these dynamics are not very well understood here. I have worked for a long time with international agencies, particularly from the European countries, and they don’t provide assistance for the delivery of services. They basically talk of empowerment as organizing people to raise their voice against the system.

As a political tool to cultivate rights consciousness, Sunil thus considers Canadian methods as antithetical to active citizenship and systemic change. Viewing himself as a cosmopolitan expert on empowerment, he conceptualizes the Canadian system as lacking the knowledge and understanding of the core principles of the practice. Elsewhere in his interview, he discussed the systemic deprivation of first Nations communities in Canada, critiquing the façade of rights
that exists in the supposedly progressive “Euro-Canadian” culture. In contrast to the imagining of western liberal democratic regimes as paragons in cultivating rights bearing and free citizens, Sunil understands Canadian discourses as lagging behind the rest of the world, including the east, in its understanding of what it means to a politically empowered actor. Like Jaya, he credits his professional experiences back home for teaching him these lessons, and positions himself more as teacher to the Canadian political regimes, rather than a student or benefactor of them.

Female Empowerment Outside of the Western Liberal Imaginary

For many anti-violence counselors, the concept of women’s empowerment was nothing new or unfamiliar. As the stories just told suggest, most were already actively involved in the field and in other social justice efforts prior to their migrations. Service providers also scripted their techniques for producing active and empowered citizens as endemic to their home countries, rather than specific to Canadian liberal democratic regimes. In addition, they conceptualized the strategies they import with them as far more progressive, transformative and conducive to systemic change than Canadian methods of empowerment.

The remainder of this section will continue to explore the construction of expertise amongst immigrant gatekeepers before they became “others,” with reference to how diasporic counselors narrate their politicization. Here, my focus will be on stories of inspiration; through drawing attention to this sentiment, the objective is to illuminate the discourses, processes and experiences agency employees viewed as foundational to their gravitation towards feminism, social justice and anti-violence work. These narratives and memories add to existing accounts of anti-violence activism in the non-Western world, which disturb orientalist constructions of the
East as a space devoid of the signs and symbols of women’s empowerment. By drawing attention to how service providers import the cultural material of women’s empowerment and incorporate it in their cultural repertoire as citizen builders and anti-violence experts, these scripts add a sense of movement to non-Western scripts of citizenship and empowerment, which are assumed to be stagnant or non-existent within the Western liberal imaginary.

Most immigrant gatekeepers shared their stories of inspiration when asked directly about how they became involved in anti-violence work. While some made their way into the field through accident or discovery, most scripted their trajectories as “a calling.” Aziza’s story is typical of many of the advocates I spoke to. Aziza has worked for her Toronto-based neighborhood organization as a family violence counselor for 14 years. Along with running “life skills” workshops specifically for abused women from her community, Aziza routinely counsels victims of violence in English from all backgrounds and nationalities, including women who were born and raised in Canada. This latter group includes both “mainstream” Canadian born women as well as second generation immigrant clients. In addition, Aziza also administers Partner Contact services for her agency’s Partner Abuse Response (P.A.R.) program.

When asked what made her interested in anti-violence work, Aziza advised that she first became involved in grassroots women’s organizing while working as the director at the Ministry of Planning in her home country. One day, one of her staff attended the office with a black eye. Aziza asked her directly about her injury, at which time the woman disclosed that she was in an abusive relationship. Rather than insisting she leave her abusive partner, Aziza asked her directly “whether she was happy with her situation” and what she wanted to do. The woman advised that she hoped to end her relationship, but felt she could not due to financial constraints and pressures from her own community. Aziza advised that her employee was from “a remote
village,” where people “believed a woman has to stay with the husband no matter what” and where even “the parents will say go with him.” When asked to envision and devise an escape plan, the woman replied that she hoped to “go to another big city, where no one knows me.”

“Aziza” raised the incident with some of her friends, a group of women, who had “ties to the government.” Finding few supports from the state and the law, they decided to address the issue on their own. As women “of a certain status,” Aziza and her network felt they “had to help, one way or another” and decided to fundraise to assist Aziza’s employee. Their efforts were successful; with the donations, the woman was eventually able to move to another city and live off the funds until she found stable employment. Although they lost touch, Aziza advised that the last she had heard, her former employee was doing well and found a job working for the United Nations.

Due to the success of their efforts, Aziza and her friends decided to “start a movement.” With few legal and state supports, they believed the initiative was crucial to ensuring the safety of abused women, all of whom, Aziza advised, recognized the abuse was wrong and wanted to leave their relationships, but could not due to material constraints and practical considerations. Despite her professional training and her educational background in economics, she decided that anti-violence work was her true “passion:”

There were no existing services. And even if the husband hits and [injures his partner], there were no assault charges. Her family comes and then they negotiate and he might say, “I’m sorry,” give some money and then its over. But the two family deal is that nobody deals with the poor woman.

47 I will address these discourses of cosmopolitanism and tradition in Aziza’s narratives below.
It was a very bad situation. But we started the movement and then the women, they started talking about it. They were not going to the police because nothing will happen. But women were saying, “this is wrong.” And after that little change, it helped so many women to leave their relationships. So it was after that, that I wanted to continue. So this wasn’t the area I studied in; I was an economist. My MA is also in economics. It is just a passion.

Thus, for Aziza, becoming a women’s advocate and anti-violence counselor was not so much an intellectual decision. In contrast, the job was something she just felt she had pursue, not out of obligation, but through a deep seated passion. Framing her gravitation towards the field of women’s empowerment as a calling, her script is laced with the discourses of the spiritual and the language of natural inclination. For Aziza, the desire to pursue anti-violence work evolved through an inherent sense of justice. Her deployment of the natural as a basis for her politicization cast suspicion on suggestions of non-Western countries as lacking the signs and symbols of women’s empowerment within their national fabrics or vernaculars. In addition, while Aziza’s deployment of binaries of cosmopolitanism and tradition on the one hand reinforces a western liberal imagining of male violence as more endemic to the latter, at the same time, she also constructs the rural victim of violence as a subject capable of extricating herself from custom. Although she lived in a village where incidents of domestic violence, from Aziza’s perspective, were not resolved judiciously, still her employee recognized the violence she experienced as wrong and did not feel obligated through tradition to remain with her abuser. Finally, while class does factor into Aziza’a narrative of overcoming male violence, in the sense that she and the other women who pioneered their anti-violence movement were all elites helping women who lacked resources, she does not deploy “class talk” in her analysis of male violence; in other words, she does not attribute the incidence of domestic violence to a lower
class way of life. The abused women who required the assistance of her grassroots movement were vulnerable due to their lack of material resources, not their lack of middle class values.

Several other service providers deployed discourses of natural inclination and passion to describe how they became involved in the field of anti-violence work. Sara, the executive director of an immigrant women’s organization, shared similar stories of politicization as Aziza. Sara, who, as noted earlier, worked as a teacher and principal of a women’s college before moving to Canada, reported a long history of involvement in the women’s movement in India. For years, on a volunteer basis, she worked to “raise consciousness” around the issues of dowry and bride burning, and frequently organized and held “debates around these social problems.” In addition, like Jaya, Sara also worked with women and marginalized residents in her local basthi and assisted with projects to promote literacy by teaching at their night school. When I asked Sara what made her interested in anti-violence work, her immediate reply was that her involvement was not a decision; it was a essentially something she as born to do. In her own words:

What made me interested? I don’t think it’s about interest. I think, as a woman, you realize that from the time you’re born, you grow up in a world where you are treated differently, you’re unequal...I was a volunteer at many agencies, and I felt that this was who I was. It was part of my own identity, the shape of my identity...So [to answer your question of] why I got involved in this work: I don’t know the answer to that. I can tell you that, it’s something that you do. You see something that’s not right and you just move on it.

For Sara, involving herself in efforts to end male violence was not an intellectual decision; it was a calling. As was the case in Aziza’s narrative above, Sara’s scripting of her politicization as a passion and natural gravitation locates the sources of her empowerment expertise and understanding of active citizenship in her own national fabric. In so doing, her narrative ruptures
the imagining of the West as possessing the monopoly on feminism. Sara directly alluded to these orientalist fantasies and assumptions in her interview. At one point she asserted:

In Canada, strangely enough, the question has been asked, ‘When did you become a feminist? You don’t become a feminist and feminism is not only necessarily something of the West. It’s the whole issue of woman’s equality; it’s been a global issue forever. Along with casting doubt on the West as the global authority on women’s empowerment, Sara contests the idea that gravitations towards feminism are intellectual decisions, as they tend to be constructed in the West.

Marjane, an anti-violence counselor at a neighborhood organization, relayed similar stories of inspiration and activism in her home country of Iran when asked to discuss how she became involved in the field of anti-violence services. Marjane advised that her involvement dates back to her life back home, where she was “always interested in women’s issues, from a very young age, probably 17.” She reminisced about organizing students to demonstrate in protests for women’s rights in her high school and laughed about “some of the trouble” she got into for her political activities. Although she, like Aziza and Sara, attributed her involvement to a general passion, Marjane also credits her grandmother for inspiring her involvement in feminism:

I had a very strong grandmother. She was my hero. And even though she wasn’t labeled a feminist like they are now, sometimes I think she was much stronger than the feminists I had met. She was a fighter and she had gone through different revolutions...And she was a tiger. She always talked to me about women’s oppression and said it shouldn’t be this way. And she fought in the streets if men started to talk badly to women. And she was always there, defending.
The imagery of Marjane’s grandmother, a “self-taught,” elderly woman with a “grade two or three education,” standing in the streets, “always defending,” is not at all the typical feminist figure in the Western liberal imaginary. As an uneducated, elderly woman in an Islamic country, she would more likely be deployed as a poster woman for some Western based, global feminist campaign to justify its interventions in the East and the importance of laws and rights for women’s liberation. However, for Marjane, her grandmother was a source of inspiration and a key figure in her eventual involvement in empowerment work. Rather than embracing feminism as a conscious decision, she locates her inspiration in her family.

Immigrant counselors thus frequently deployed the discourses of the spiritual and the natural –specifically, blood lines, passion and calling –to script their politicization and their eventual involvement in the field of feminist and anti-violence services. Their use of these discourses contrasts with how such language is normally used in narratives of violence against women in the non-western world. Often intertwined with tradition and culture, the notions of “fate” and “destiny,” for example, are routinely constituted as obstacles to women’s empowerment. As the antithesis of the liberal idea of agency, both tend to be problematized within global feminist anti-violence efforts as the reasons for why women feel trapped in abusive relationships, or fail to recognize their oppression. Here, however, spiritual discourses are deployed to articulate the forces that fuel the adoption of feminism and ideas of women’s empowerment. A similar claim can be made with regards to the family, often deemed to be a space of oppression in the non-Western home, rather than the source of social justice. Finally, narratives from middle modernizers privileging the natural as a basis of inspiration of women’s empowerment also disrupt the western idealization of reason and intellect, which in the liberal imaginary, are conceptualized as the sources of civility and justice.
Conclusion

The image of the oppressed, feminine “other” is a longstanding and integral symbol for the western liberal democratic regime. A passive victim of “backwards” and “traditional” cultural practices, she suffers at the hands of her husband and family, unconscious of her rights to live a violence free life, with few social and legal supports to extricate her from the grip of patriarchy. As a signifier of her nation, she serves as an embodiment of its deficiencies and a glaring reminder to the western liberal imaginary that much work still needs to be done before she and the rest of “them” (the barbaric) catch up and become more like “us” (the civilized). Her symbolic performance thus entails a contradiction; at once, she symbolizes a lack in the east, and an affirmation of the fruits of the west, her misery an integral justification for the supposedly benign intervention of the latter. Central to this western project of modernity then is the erasure of the symbolic material of women’s empowerment in the east; colonial logics necessitate that the western liberal democratic regime maintains a monopoly on the terrain of empowerment and what constitutes women’s liberation.

Conceptualized against this backdrop, how do we conceptualize the immigrant anti-violence counselor who theoretically serves as both an “other” to and an expert for the nation? This chapter illuminates the varying cultural material service providers deploy to constitute themselves as the experts on women’s empowerment and active citizenship. Their narratives suggest the importance of loss of status, which ironically transforms into a form of symbolic capital within this sector. Historically, the racialized, colonized and enslaved subjects enlisted with the responsibility of transforming their own into respectable subjects derived their authority from class privilege. Contemporary accounts of middle modernizing in the American context suggest a similar dynamic. Narratives from Toronto-based counselors illuminate a more complex demonstration of class, which differs from how their predecessors acquired and
performed their expertise historically. In addition, they indicate a general absence of class distinctions amongst service providers and seekers.

In addition, spotlighting the memories of immigrant counselors to gain insight into their identities as ordinary citizens, before their migration to the realm of the extraordinary, also illuminates how service providers derive their expertise. In addition to tracing their trajectories into the field of immigrant services, these scripts show that women’s empowerment and active citizenship were not just ideas that service providers discovered when they hit Canadian shores. Rather, immigrant gatekeepers were already well versed in these discourses, particularly feminist conceptions of justice, their gravitation towards which they scripted as a natural inclination. Illuminating the understandings of women’s empowerment, active citizenship and social justice amongst immigrant gatekeepers undermines the imagining of Eastern incivility, which serves as the cornerstone of Western claims of superiority to the East. Within these scripts, the natural, spiritual and the family materialize as sources of women’s empowerment, rather than the robbers of it. In addition, these findings on a larger scale challenge liberal narratives that characterize the East as a space devoid of the cultural material of women’s empowerment and the West as possessing a monopoly on the concept.
Chapter 5

Philanthropic Habits, Fragmented Punishment: Care and Discipline for the Abusive Man

The P.A.R. Roster

Since the advent of Toronto’s specialized domestic violence court process in the late 1990’s, the community based counselor has become a leading figure in the governance and punishment of the domestic violence offender. Currently, ten grassroots organizations receive funding from the provincial Ministry of the Attorney General (M.A.G.) to provide Partner Abuse Response (P.A.R.) domestic violence counseling for offenders prosecuted through the courts. Although these organizations are known as the P.A.R. providers within the field of the specialized domestic violence courts, outside of the prosecution process, for all but one, counseling for court mandated abusers comprises a very small proportion of the services these organizations deliver. In their everyday existences, these agencies are philanthropic entities. For instance, one P.A.R program is run from a hospital by a nurse. Another is administered through a neighborhood organization. The vast majority of P.A.R. agencies delivering ethno-specific counseling actually operate as either immigrant settlement agencies or immigrant women’s organizations.

Within the field of the specialized domestic violence courts, the immigrant community organizations are known as the “ethno-specific” P.A.R. providers and the remaining agencies are referred to as the “mainstream” agencies. These categorizations generate imaginings of homogeneity and shared linguistic, ethno-racial and national backgrounds between counselors and the men in their group sessions. In other words, they lead to assumptions that P.A.R.
programming is delivered in the style of an ethnic restaurant in the sense that just as a patron of
an Indian restaurant can expect to order Indian food from a waiter of Indian descent, an
offender of Indian descent can expect to attend a program in Hindi or a related dialect provided
by a counselor of Indian origin. In a few instances, this is in fact how ethno-specific P.A.R.
programming works. Overall, however, the “mainstream” and “ethno-specific” categorical
distinction is largely a myth. Immigrant men regularly attend for P.A.R. services at mainstream
organizations and the Canadian-born offenders now also attend for programming at the ethno-
specific organizations. I will explain the mythologies surrounding the ethno-specific/mainstream
categorical divide in further detail in the remainder of the chapter.

Although several different grassroots organizations are involved in the penal project to
change the domestic violence offender, P.A.R. counseling is standardized. In order to participate
in the specialized domestic violence court process as official and accredited P.A.R. providers, all
of the grassroots agencies must agree to a set of philosophical principles and practices known as
the Accountability Standards and Guidelines for Batterer’s Programs. M.A.G. funding is
contingent on the adoption of these principles, which, among many other things, mandate all
P.A.R. program providers to deploy the Duluth curriculum when counseling abusive men. The
Duluth model, the brainchild of Ellen Pence, whose influence on the development of Toronto’s
courts was discussed in chapter three, is a feminist educational program for batterer’s which
locates the roots of men’s violence within patriarchy, rather than individualized factors such as
poor anger management. Thus, within the courts, domestic violence offenders are subject to the
same knowledge regimes in their transformation process regardless of the organizations they attend.\textsuperscript{48}

\section*{When Punishment and Philanthropy Meet: Voluntary Organizations and the Criminal Justice System}

The involvement of non-profit organizations in the legal system—such as the ones providing P.A.R. programming in Toronto’s courts—is not a novel phenomenon. In recent years, governmentality scholars in particular have drawn attention to their integral presence in the criminal justice system, particularly in penal regimes aimed to rehabilitate offenders (Hannah-Moffat: 2001; Maurutto: 2003). However, while existing studies offer critical insight on the masking of punishment as philanthropy, and the various ways in which programs, regimes and knowledges produce and govern criminalized subjects, few examine the subjectivities of the administrators who fragment the legal power to punish. To be more concrete with reference to the P.A.R. providers and the penal project to change the domestic violence offender: how does the nurse or a settlement counselor conceptualize her responsibilities in the criminal justice system, and reconcile her role as a punitive, quasi-legal figure on the one hand, and a philanthropic actor on the other?

This chapter deploys the insights of governmentality scholarship, particularly Cruikshank’s (1999) analysis of the voluntary organization, to examine the work of P.A.R. counselors and their organizations involved in the specialized domestic violence courts. As noted in chapter four, Cruikshank characterizes the power relations typical of voluntary

\textsuperscript{48} A version of this chapter was first published in \textit{Theoretical Criminology}. See Singh (2011).
organizations as “gentle coercion;” these agencies work by first constituting subjects as deficient or apathetic in some way and then developing solutions aimed to help clientele help themselves. Cruikshank’s insights raise several important questions when considering the subjectivity of the hybrid voluntary/quasi-criminal justice counselor constituted through the fusion of the philanthropic organization with rehabilitative regimes of punishment. Specifically, how do grassroots punishers, who typically rely on techniques of gentle coercion when working with voluntary clientele, govern criminalized subjects mandated to attend for services? What forms of knowledge authorize philanthropic punishers to deliver programs as part of a penal regime? Overall, how do counselors perform as quasi-criminal justice officials?

Chapter three reveals the direct influence of grassroots actors in shaping the prosecution process and defining the conditions of punishment for domestic violence offenders in the contexts of the specialized early intervention plea courts. While Sheila, C.A.V’s P.A.R. Coordinator, names and claims domestic violence disputes through her augmented responsibilities as a hybrid defense-crown prosecutor, conflicts such as the “P.A.R. Freeze” reveal how the P.A.R. counselors engage in tugs of war with the courts that reach well beyond their circumscribed roles as the providers of rehabilitation. Each of these instances illuminate the considerable discretion non-state actors exert in the specialized domestic violence prosecution process. This chapter moves beyond the analysis of individual subjectivities and interactions with clients to the institutional realm of organizational habit. Here, I show how organizational habits add distinctive flavors to the delivery of punishment, materializing in governing regimes that emphasize discipline in some organizational contexts and care in others. Specifically, whereas the former generally evolve in the programs delivered by the “mainstream” P.A.R. providers, within the context of the ethno-specific P.A.R. program, counselors emphasize pastoral practices. These distinctions materialize despite the
standardization of the P.A.R. counseling curriculums and the fact that both types of programs cater to offenders of similar demographics.

These findings illuminate how the processes beyond the real—for instance, the actual demographics of offenders—and the rational, such as the individual discretion of the P.A.R. counselor, influence the legal power to punish. While the deployment of disciplinary strategies to reform the domestic violence offender are foreseeable within the context of the P.A.R. program given the standardized use of Duluth's feminist disciplinary regime, the unearthing of pastoral strategies of governance emphasizing care is less expected; pastoral strategies are typically associated with the governance of “vulnerable” criminalized subjects (Hannah-Moffat: 2001). Within the context of the project to change the domestic violence offender, the proliferation of pastoral strategies within the ethno-specific P.A.R. program appears to stem largely from organizational habit and ritual. The field of immigrant services is predicated on the image of the diasporic client as a subject of need, whose vulnerability stems from his displacement. Practices emphasizing comfort and the logic of care also serve as capital for this sector. Narratives from service providers delivering ethno-specific P.A.R. counseling as well as the anti-violence counselors discussed in chapter four reveal the importance of informality to the identities of these organizations. More specifically, the sector as a whole prides itself on and performs its distinction from non-immigrant services through refusing to operate like a formal, rule bound, bureaucracy. Evoking an atmosphere of home, rather than an office or institution, and adopting practices emphasizing care and comfort, are thus how immigrant and ethno-specific agencies position themselves as different, and in many ways, far more effective and successful than mainstream anti-violence services. Interestingly, these stories were far more common than any reference to cultural framing, which Merry (2001) (2006b) and others find in their analyses of culturally specific, anti-violence programs for both abusers and victims. The
cultural material of organizational habit, capital and ritual bleed into the delivery of the ethno-specific P.A.R. program, shaping the delivery of punishment despite the actual demographics of offenders attending for counseling. These findings illuminate the constitutive effects of the translation process, and the persistence of techniques of governance more typical of the voluntary immigrant organization within regimes of punishment.

**Governing the Souls and Minds of Offenders: Discipline, Care and Criminalization**

The participation of philanthropic and non-profit organizations in the administration of punishment and rehabilitation is a long standing criminal justice practice. Despite this systemic legacy, only very recently has research examined how social workers, counselors and other non-state helpers perform their roles within official legal systems (Castellano: 2009; Crawford: 1997; Halliday et al.: 2009; Merry: 2001). In addition, while Foucauldian scholars have written volumes on the varying forms of power deployed on criminalized subjects since the post-Enlightenment decline of visible and bodily penal techniques, only a few analytically link the deployment of pastoral and disciplinary regimes in the art of punishing—both of which manifest as “gentle coercion”—with the crafting of “benevolent” penal interventions and the participation of philanthropic organizations (Foucault: 1977; Garland: 1990; Hannah-Moffat: 2001; Maurutto: 2003). Foucault’s insights on disciplinary and pastoral power are central to understanding how liberal penal regimes govern and to exposing the contradictions of “modern” forms of punishment. In *Discipline and Punish*, Foucault (1977) provides a genealogy of disciplinary power within regimes of punishment, taking as a starting point the late eighteenth century shift in penal technologies from corporeal punishment and torture to the penitentiary. Rather than understanding this change in penal style as an enlightened trend
towards less invasive or more humane forms of punishment, Foucault’s key concern is to understand how the power to punish works in its modified form. His analysis illuminates how the art of punishing, previously concerned with the bodies of offenders, came to be preoccupied with their minds and souls. As a modern penal technique, disciplinary power aims to know and correct offenders in order to transform them into normal, orderly and conforming citizens. Critical to this project of change are “psy” knowledges and the professionally trained experts—the social workers, psychiatrists and psychologists, to name a few—who deploy these discourses to know and analyze the “characters” of offenders, which are simultaneously produced through these regimes of governance. Foucault’s notion of disciplinary power provides us with the tools to critically examine the relations of governance within rehabilitative projects to change offenders, which have been naturalized as purely philanthropic and devoid of coercion.

While Foucault does not consider pastoral power within the context of penal regimes, he discusses the concept elsewhere (Foucault: 2004). Foucault discusses the historical foundations of pastoral power, which he considers the origins of the “idea that one could govern men” (Foucault: 2004, 123). Unlike political power, the roots of which can be traced to Greek thought, pastoral power emerged in the Christian East and is intertwined with the practice of governing souls for the purpose of spiritual direction. Like disciplinary power, its aim is the individual; however, in contrast to disciplinary relations between, for instance, a psychiatrist and her patient, pastoral governance is less intent on correcting the subject and far more concerned with her salvation. It manifests as a purely and fundamentally beneficent power based on the logic of care. Foucault deploys the metaphor of the shepherd attending a flock to describe the dynamics and techniques foundational to this regime. In exercising the “power of care,” the shepherd “looks after the flock, looks after the individuals of the flock, sees to it that the sheep do not suffer, goes in search of those that have strayed off course, and
treats those that are injured” (Foucault: 2004, 127). As a gentle form of power, pastoral regimes do not manifest with a “striking display of strength and superiority.” Rather, they are marked by the sentiment of selfless duty and manifest as “zeal, devotion and endless application” (Foucault: 2004, 127).

In recent years, governmentality scholars have deployed Foucauldian concepts of disciplinary and pastoral power to critique and unpack the deployment of “anti-oppressive” knowledges in penal regimes, and to theorize the participation of philanthropic entities within the criminal justice system. In her historical analysis of the penal techniques aimed at female offenders, Hannah-Moffat (2001) illustrates how incarcerated women were subject to a mix of disciplinary and pastoral strategies at various points in time. Her analysis illuminates the importance of “motherly love” in the governance of the female offender in the nineteenth century, who reformers re-framed from fallen and immoral to child-like and wayward to derive credibility as their “caretakers.” Elizabeth Fry, who spearheaded the women’s prison reform movement, along with her co-advocates at the time, relied on non-scientific strategies of maternalism to legitimate their participation in “cleaning up” the prison regime and to advocate for separate and specialized institutions run by and for women (Hanna-Moffat: 2001, 25). The result was a “benevolent” regime of maternal discipline, which constituted the female offender as reformable through love, instruction and guidance.

Focusing on juvenile offenders, Maurotto’s (2003) historical account examines the Catholic Church’s foray into the field of corrections, which she links to the advent of the Child Saver’s movement and the emergence of the child criminal as a salvageable subject. Around the late nineteenth century, she argues, the juvenile offender came to be understood as a “misguided youth in need of understanding and rehabilitation,” rather than a criminal requiring
punishment (Maurotto: 2003, 101). The change triggered a proliferation of new technologies designed to transform the juvenile delinquent from criminal to industrious citizen, which led to the replacement of incarceration and corporal punishment with industrial schools, probation and parole. Administered largely by the Catholic Church and its affiliates, the project to change the juvenile offender aimed to transform her habits, morality and overall character. The importing of philanthropic organizations into the criminal justice system enabled the imagining and advancing of the project as a benevolent intervention, rather than a punitive measure.

**Duluth, Feminist Discipline, and The Re-Education of the Abusive Man**

In the accounts described above, do-gooder reformers and philanthropic institutions performed key roles in the governance of children and women who were re-constituted as vulnerable and salvageable; in both instances, humanitarian administrators of punishment deployed disciplinary and pastoral techniques of power to correct and care for their subjects. In Duluth’s penal project to reform the domestic violence offender, the deployment of disciplinary regimes of power is to be expected, given the model’s emphasis on correction. The materialization of pastoral techniques and strategies within the P.A.R. programs, however, is more surprising. Unlike the female or juvenile offender, within Toronto’s project to reform the domestic violence offender, the abuser, while malleable, is anything but vulnerable. In contrast, in his discursive form, he is an epitome of risk, a subject so risky in fact, that he requires not only the gaze of the criminal justice system to keep a victimized partner safe from his violence, but also the supervision of the community. In addition, his re-education entails a mix of both education and sheer punishment. As referenced in chapter three, “harsh penalties and sanctions” are critical to the objective of offender accountability (Pence and Paymar: 1993, 18). Thus, although he is changeable, the domestic violence abuser is not vulnerable, nor is he
salvageable per se; the condition of being salvageable carries religious connotations, suggests forgiveness, and to a certain degree, implies a lack of fault or blame. To be more specific, “salvageability” connotes that subjects in need of saving are led astray often as a result of factors beyond their control, and just require a little guidance to get back on track. In contrast, the construction of the abuser as changeable is not linked to a wider shift in his subjectivity that rendered him in need of saving. Rather, his reformability stems from recognitions of his blameworthiness and imperatives that he accepts responsibility for his actions and abusive behavior.

The emergence of the domestic violence offender as a reformable subject is firmly linked with second wave, feminist political rationalities that aimed to both construct male violence as a choice and to theoretically link it to “the social,” specifically, unequal gender relations. Up until the 1970’s, violence against women was generally attributed to a range of individual or apolitical explanations including: psychiatric or mental health problems, “natural male aggression,” stress, a byproduct of too much testosterone, alcoholism and various theories of victim precipitation (MacLeod: 1980; Scully: 1994). Prevailing discourses thus constructed offenders as lacking agency, reason as well as responsibility. The feminist anti-violence movement aimed to shift this understanding, politicize the problem and eradicate the understanding of men’s violence as an inevitability. This objective is reflected in several foundational texts to the Canadian and American movement, such as Linda MacLeod’s (1980), “Wife Battering in Canada: A Vicious Circle,” which emphasized the importance of de-bunking individualized explanations for men’s violence to create wider systemic changes. The Duluth model epitomizes these wider discourses. The counseling curriculums for abusive men are structured by a politicized understanding of violence against women, which locates the ultimate
source of the problem in patriarchy. The program aims to “de-naturalize” male violence by focusing on an abuser’s individual choices.

The Duluth educational program represents one of the first approaches to reform batterers programs which linked men’s abusive behavior to patriarchy. As a feminist disciplinary regime, the correction of the abuser entailed helping him identify the social and cultural supports for his behavior. The intervention is premised on the idea that what differentiates the batter from the non-batterer is not abnormality, but the degree to which the former uses and fails to recognize his male privilege. To raise the abuser’s consciousness, the curriculum emphasizes teaching batterers about the social and cultural forces that foster their behavior, and to understand why they have come to view their female partners as legitimate targets for violence. As Pence and her colleagues note:

At the core of the curriculum is the attempt to structure a process by which each man can examine his actions in light of his concept of himself as a man. That examination demands a reflective process that distinguishes between what’s in his nature and what is socially constructed. The things that are socially constructed can be changed. (Pence and Paymar: 1993, 15)

The Duluth model deploys two key technologies to educate abusers about masculinity and privilege: the Power and Control Wheel and the Control Log. The Power and Control Wheel is a visual tool deployed to assist abusers with identifying and naming actions and behaviors as abuse. The wheel is divided into eight sections, each of which emanate from a smaller circle labeled “power and control.” Written within each of the pieces are several examples of abusive behavior, such as “using coercion and threats, “using intimidation,” “using male privilege” and “using isolation,” to name just a few (Pence and Paymar: 1993, 3). The objective of the Control Log is to link men’s abusive behaviors to larger social and cultural forces. Specifically, the device
instructs men to describe a past incident in which they have acted abusively, analyze the intentions and beliefs that instigated their behavior, outline the emotions that surfaced at the time, note the narratives they employed to minimize their behaviors, and finish the exercise through providing a non-abusive, anti-oppressive way for interacting with their partners in the future.

Thus, unlike the juvenile and female offender, the shifting subjectivity of the domestic violence abuser which rendered him changeable had little to do with attempts to save him. Rather the feminist political rationalities instigating his reform evolved from disciplinary discourses, which aimed to denaturalize male violence, eradicate assumptions of its inevitability, and mandate the abuser to accept responsibility and fault for his behavior. Correction, rather than care, is the foundation of Duluth’s project to change the domestic violence abuser.

Along with emphasizing his discipline and correction through counseling, as noted above, the Duluth model also underscores the riskiness of the abuser. The threat he poses towards his partner as well as society as a whole serves as the basis for incorporating a community gaze in his supervision. Chapter three provides a history of the Duluth Abuse Intervention Project (DAIP), the framework Ellen Pence and her colleagues created to develop the infrastructure for a coordinated community and criminal justice response to domestic violence. The discussion showed that within this project, community organizations involved in the provision of court mandated batterers programs perform just as critical a role in monitoring offenders as the typical criminal justice institution. In this chapter, I will focus specifically on the re-purposing of the community organizations delivering P.A.R. counseling into appendages of the criminal justice system. As was the case in Duluth, within Toronto, the impetus to transform the non-profit organization into a quasi-legal institution emerged from the grassroots, not the
government or the courts. In addition, although the M.A.G. requires all P.A.R. providers to adopt the Duluth counseling curriculum in order to receive funding, the provincial government actually performed a minor role in the standardization process. In reality, C.A.V. and its partnering organizations, which included an array of immigrant and ethno-specific agencies, devised the infrastructure for standardization long before the M.A.G. implemented the specialized domestic violence courts. The following discussions examine the early use of the Duluth framework within Toronto, the formation of standards and guidelines for batterers programs and the transformation of the grassroots organization into an agent of punishment.

**Batterer’s Programs in Toronto: The Early Years**

In the years preceding the founding of C.A.V. in the late 1980’s, a handful of anti-violence agencies in Toronto were already experimenting with the Duluth model of counseling for reforming the abusive man. One of these organizations, Toronto Support Services (T.S.S), was part of the mini-Duluth initiative discussed in chapter three, which eventually led to the founding of C.A.V. T.S.S., a neighborhood organization, initially operated as an anti-poverty agency in the early twentieth century. Over the years, the agency shifted its mandate and re-fashioned itself as a family counseling and support agency. In the 1980’s, the organization became increasingly involved in Toronto’s anti-violence movement, eventually evolving into one of the city’s leading “pioneers in the field of woman abuse.” T.S.S.’s first foray into the criminal justice system began in 1981, when the organization established a partnership with Toronto police services to dispatch social workers to accompany officers when investigating incidents of domestic violence. Shortly after forming this VAW program, the organization developed the city’s first batterer’s program based on the Duluth model, which they operated on a voluntary basis. In 1988, T.S.S. developed Toronto’s first official program for court mandated abusers
after representatives from probation approached program directors about developing a partnership for the delivery of services. After securing funding from the Ministry of the Solicitor General and Correctional Services, the organization launched its Mandated Abuse Prevention Program (M.A.P.P.). In keeping with the Duluth framework, the agency made a concerted effort to develop programming that “understood power and control, not anger management, as the main issue.”

Justice and Advocacy for Offenders (J.A.O.), an organization dedicated to assisting individuals in conflict with the law, was another early pioneer in the development of batterers programs based on the Duluth model in Toronto. JOA’s involvement in the area had much to do with the efforts of a David Currie, who was one of Canada’s leading figures in the field of men’s programming in the early 1980’s. Originally, Currie worked at TSS, where he published “Treatment Groups for Men, A Practice Model: A Report on the Process and Outcome of Treatment to Abusive Men” in 1982, which examined the results of the treatment program he designed (Endahl: 1983). While at JOA, he developed and implemented programming based on Duluth’s curriculum for federal offenders imprisoned for domestic violence offences. Both TSS and JAO eventually evolved into P.A.R. providers with the specialized courts when the provincial government implemented the project in the late 1990’s.

As two of Toronto’s earliest practitioners of Duluth counselling, T.S.S. and J.A.O. partnered with C.A.V. on a project which aimed to coordinate and standardize the curriculums of batterer’s programs throughout the city. The initiative included two additional organizations, Jewish Family and Child Services (J.F & C.S.) and Toronto Immigrant Services (T.I.S.), both of
which also evolved into official P.A.R. providers when the specialized courts were launched.\footnote{At the time of this research, Jewish Family and Child Services had ceased its contract with the Ministry of the Attorney General as a P.A.R. provider with the courts. The organization did not participate in this project.}

The impetus for the standardization emerged from concerns that men’s programming was “all over the place,” with some organizations receiving funding from the Ministry of the Solicitor General and Correctional Services and others from the Ministry of Community and Social Services. The lack of standardization triggered several concerns amongst C.A.V. and its partnering organizations on the project. The primary one related to the potential use of therapy in batterer’s programs. Specifically, many worried that counselors lacking a feminist understanding of violence against women, would administer de-politicized programming which individualized the sources of men’s violence or fostered victim blaming. Advocates considered couples counseling equally troubling, given its tendency to view abusive behavior as a symptom of relationship conflict. Along with these specific fears, within the feminist, anti-violence community at the time, the general concept of a counseling program for abusers raised considerable controversy. Many community advocates worried that funding for men’s programs would take away from the already limited state funding available for support services for abused women. While C.A.V. and its partners were proponents of batterer’s programs, they emphasized the importance of delivering counseling from a feminist philosophical framework, which incorporated the objectives of offender accountability and victim safety.

Concerns that grassroots service providers did not possess the requisite training to deliver domestic violence counseling for abusers involved in the criminal justice system also fueled C.A.V.’s initiative to develop standards and guidelines for men’s programming. While the exact numbers of organizations working with the courts at the time are unknown, the absence
of regulations generated concerns over the potential use of batterers programs as a mitigating factor during sentencing. There was also a concern that counselors lacked an understanding of the criminal justice system and the experience to supervise court mandated offenders. To address the unregulated administration of batterer’s programs, C.A.V. and its partners initiated plans to develop city-wide guidelines for all agencies involved in the provision of counseling programs for abusive men.

Standards, Guidelines and the Abusive Man

CAV and its partnering organizations developed CAV’s best practice guidelines for batter’s programs in several stages. Initially, the group lobbied the provincial government to create its own standards for all the organizations in the city receiving state funding to deliver batter’s programs for both voluntary clients and court mandated men. In response, the Ministry of Community and Social Services, the Ministry of the Solicitor General and Correctional Services and the Ontario Women’s Directorate issued the “Interim Accountability and Accessibility Requirements for Male Batterers Programs” in 1993. CAV reformers deemed these initial provincial attempts as insufficient. While the requirements did aim “to ensure the effectiveness of male batter programs and accountability to abused women” and set the “groundwork for program consistency,” the advocates “identified critical gaps that needed to be addressed” (CAV: unpublished document, 2). After organizing a roundtable discussion on men’s programs in March of 1995, CAV convened the Subcommittee on Batterers Programs to build on the provincial government’s interim standards and CAV’s Best Practice guidelines discussed in chapter three.
CAV’s subcommittee included 26 representatives from a variety of community based and criminal justice sectors involved in the provision of support services to abused women and in the monitoring and counseling of abusive men. All of the program directors from TSS, JF&CS, JAO and TIS, the four community organizations that partnered with CAV to draft the standards and guidelines, participated in the forum. The subcommittee also included service providers from three additional organizations, all of which evolved into P.A.R. providers: Crossroads, Montrose Settlement Services and Avondale Immigrant Women’s Center. Finally, representatives from Toronto police services, probation and parole, the Jamaican Canadian Association, Catholic Family Services along with survivors of violence, counselors and several community advocates also actively participated in the drafting of requirements for men’s programming.

The result of these collaborative efforts was a comprehensive, 53-page document, which outlined the philosophical principles, framework for best practice and the basic organizational requirements for the delivery of batterer’s programs for men mandated to attend for counseling through the criminal justice system. To assist practitioners with their criminal justice responsibilities, the manual also included an extensive training guide on legal terminology and the prosecution process. In keeping with the Duluth framework, the document summarizes the “fundamental philosophical and procedural components necessary for a coordinated and consistent community response system.” With regards to its specific standards for counseling programs for abusive men, the manual mandates the following: “1) a common analysis of woman abuse grounded in philosophical principles consistent with a feminist approach, which identifies woman abuse as a social issue where abusive behavior is rooted in power and control” and “2) quality intervention premised on women’s safety as the highest priority” (CAV: unpublished document, 9). Seven additional philosophical principles follow these
umbrella guidelines. The general sentiments of these principles were to prevent counselors from excusing men’s violence or shifting blame on to abused partners. Striking a balance between the systemic roots of violence against women as outlined in feminist praxis and individual offender accountability is another guiding concern. According to the requirements:

Intervention approaches must recognize that while violence towards women is socially constructed, it is also individually willed. Political, historical and cultural factors may create a context for violent behavior and influence the form violence takes. These factors do not in any way excuse violent behavior (CAV: unpublished document, 12).

Finally, the philosophical principles mandate organizations to abide by policies that limit confidentiality between service providers and offenders. In keeping with the overarching objective of victim safety, the subcommittee drafted the provision to urge agencies to deploy protocols that would enable counselors to share information generally deemed off limits in a typical counselor-client relationship.

The policies and procedures section of CAV’s Accountability Standards and Guidelines offers practical assistance to service providers for developing the infrastructure for their batterer’s programs. While philosophically programs are required to embrace theorizations of violence against women that are consistent with a feminist approach, the document reviews the various “modes” of programming, such as individual or group counseling formats, as well as different “models” of intervention, including cognitive behavioral, social learning and “spiritual/cultural based teachings,” that service providers can deploy when working with abusive men (CAV: unpublished document, 13). The manual also provides a comprehensive discussion on the rationale and importance of incorporating a “partner contact” component for all men’s counseling programs. The standards mandate organizations to provide abused women with a separate support staff to ensure their safety, given that partners may have “unrealistic
notions of their safety” as a result of their involvement in the program (CAV: unpublished document, 27). The most integral feature of the service, however, is the dual function of safety provision and the monitoring of offenders:

The most important aspect of partner contact is to maintain close communication with the partner in order to maintain her safety while monitoring the behavior of the abuser. This monitoring function has been demonstrated to be the most effective way of ensuring the partner’s safety, since there is an acknowledgement that the abuser’s behavior is being closely watched (CAV: unpublished document, 27).

A partner contact component would allow for the extra surveillance of offenders and enable program providers to assess the genuineness of any changes they observed in the men in their counseling programs. The directives also mandate the provision of safety planning and referrals to abused women through the program.

**Localizing Duluth: Ethno-Specific Programming**

In an effort to localize the Duluth model to Toronto’s very different demographic landscape, CAV’s Accountability Standards and Guidelines also provide directives on developing ethno-specific programming. CAV and the subcommittee required all ethno-specific programming to incorporate the same feminist philosophical principles as the standard male batterer’s program. However, the directives offered ethno-specific agencies leeway in devising and delivering their counseling programs. According to one of the program developers, creating flexible standards distinguished Toronto’s coordinated community response model from the original framework:

We developed these Accountability Guidelines, so we could say that only programs that followed these guidelines can do this counseling. Pence did help us formulate those.
She did a workshop to help us develop them. But she was very respectful of our context, because right from the start, we had all these ethno-specific agencies. And that was one of the things we pushed on. In a lot of the communities in the States, they have to follow the exact same curriculum. But we from the beginning said, if you look at what [MSS] does in relation to [AIWC], it’s different. We gave them some room.

Overall, CAV’s Best Practices manual includes a minimal discussion on ethno-specific programming relative to the organizational requirements for counseling court mandated men and partnering with the criminal justice system. While the text does not provide concrete or practical directives to organizations engaged in counseling diasporic offenders, it identifies “culturally sensitive” and “anti-racist” ethno-specific programming as a requirement for program providers. Along with remaining true to Duluth’s philosophical commitment to anti-oppression, the rationale for delivering culturally sensitive counseling is also practical. Developing programs that can be “transferrable to racially and culturally diverse communities” is not only ethical; the document describes ethno-specific programming as the most effective way to ensure “programs are relevant and accessible to men.” (CAV: unpublished document, 34).

The directives also caution service providers on the dangers of deploying culturalized explanations of male violence on both offenders and victims when intervening in incidents of violence involving immigrant households. Section “H” of the manual insists:

It is important to note that racism has often led to North American assumptions that wife assault is explicable by cultural variables and is somehow more prevalent within groups that are non-white and non-Western. Therefore, one of the consequences of racism is not only to distract attention away from the institutional sources of men’s violence against women, but to also locate the problem in men’s own cultural identity. The result of this systemic racism can either be harsher treatment of the perpetrator by
the criminal justice system or an ambivalence about the existence of the abuse because of its perception as a cultural norm and behavior (CAV: unpublished document, 34).

The guidelines require counselors interested in developing ethno-specific programming to ensure that “culture” is never deployed as an explanation or excuse for male violence. While culturalized narratives reinforce the racist and xenophobic treatment of immigrant offenders, they simultaneously excuse the violence victims in these relationships experience. Thus, while the document urges practitioners to consider marginalized and racialized masculinities, and to craft culturally specific programs designed in accordance with anti-racist feminist principles, the guidelines also mandate that all abusers, regardless of ethno-racial background, be subject to the same feminist disciplinary regime and the principle of offender accountability.

**Discipline to Punish: The Making of the Quasi-Criminal Justice Organization**

Alongside these protocols mandating feminist philosophies, the incorporation of Partner Contact, and the development of ethno-specific counseling, the vast majority of CAV’s Best Practice Guidelines is dedicated to coordinating the services between the community organizations delivering men’s programming and the criminal justice system. To accomplish this, the manual acts as a comprehensive training guide for philanthropic organizations and service providers involved in the provision of domestic violence counseling to court mandated offenders. The integral objective of the guidelines is to essentially shift the gaze of the counselor from the philanthropic to the punitive.

The bulk of CAV’s Accountability Standards and Guidelines focuses on training the counselor to essentially “see” like a criminal justice professional. To adequately fulfill Duluth’s
twin objectives of victim safety and offender accountability, the manual mandates grassroots service providers to perform as quasi-probation officers. Accordingly, sensitizing her to the potential problems that may arise when counseling abusive men, and providing guidance as to how to address them is a recurring theme in the manual. For instance, the “Program Considerations” section provides guidance on how to govern an offender in the event that he engages in further abuse, attends a counseling session under the influence of drugs or alcohol, or fails to accept responsibility for his violence. The issue of pre-adjudicated charges and the related concern over the use of counseling as a mitigating legal factor—a key instigator of the “P.A.R. Freeze” discussed in chapter three—is also highlighted as an explicit problem. The directives urge agencies to “be aware” of permitting offenders with pre-adjudicated cases to attend their programs, given the potential that they may deploy counseling as a mitigating factor during sentencing:

In cases of pre-adjudication of charges, programs should be aware that there will likely be a reporting relationship of some sort [with the courts] concerning the member’s contact with the program. Some programs will only see someone after adjudication, because they believe a man’s true motivation to be in such a program will be more evident after his legal involvement is completed. Sometimes, a member will drop out of such a program as soon as his legal case is finished. Members may try to use the program in such instances to receive a favourable disposition in court. It is ESSENTIAL that steps be taken to ensure that the intervention program not be used to excuse the offender from taking responsibility for his abusive behaviour (CAV: unpublished document, 17).

With the exception of the Early Intervention court cases discussed in chapter three, in which, ideally, “low risk” offenders attend a counseling program as a condition of bail, the guidelines generally instruct program providers to prohibit the attendance of offenders with pre-adjudicated charges from attending the program.
In addition to sensitizing program providers to potential legal tricks, CAV’s guidelines offer agencies comprehensive instructions on how to develop the infrastructure for ongoing communication with various sectors of the criminal justice system, especially probation officers. Under the heading, “Relationships between the Probation Officer and Intervention Program Staff in Cases of Woman Abuse,” the guidelines outline the form and content of the information to be shared between both parties. Paperwork, specifically, signed release forms removing confidentiality limitations, written notifications to probation officers regarding the start dates of offenders, as well as progress reports, are central to the process. Most importantly, the “Agreement Form,” which serves as an official contract between the probation officer, counselor and offender, is the key document for formalizing relationships between community organizations and the criminal justice system:

During the first week of the intervention program, an agreement form must be signed by all the men. This form is a contract which details the goals of the program, the conditions of the contact with the probation officer, the conditions of attendance, which include regularity (e.g. only two absences for some group programs) and promptness, and [an understanding] that issues of abuse and re-abuse will supersede confidentiality (CAV: unpublished document, 25).

Along with outlining the rules of the program to offenders, the Agreement Form performs an integral role in transforming the counselor into a quasi-probation officer by outlining the conditions under which the counselors must report the actions and whereabouts of offenders to criminal justice officials. Specifically, the guide requires counselors to contact probation officers if offenders refuse to sign their contracts or fails to attend sessions after signing their agreements. In the latter case, “it is the responsibility of the intervention program to contact the probation officer within 24 hours, which serves to exert pressure on the man while informing the probation officer about his progress” (CAV: unpublished document, 25). Overall,
the manual also instructs service providers to “have periodic meetings with probation officers” and to act as a general “check for the probation officer to ensure that the offender is following through on the probation terms” (CAV: unpublished document, 22-23).

To further train them for their monitoring roles, “Appendix B” of CAV’s guidelines offer service providers several case study scenarios which “serve to pinpoint some of the primary challenges” of working with court mandated men and their partners. Five scenarios assess counselors on how they would handle a series of hypothetical incidents involving confidentiality requests from offenders, declining interest in counseling amongst participants with pre-adjudicated cases, as well as dilemmas around keeping information secret at the request of victims who require help, yet fear for their safety. For instance, in “Scenario Two:”

A woman calls to report that her partner has become increasingly hostile and threatening. She indicates that he has begun to accuse her of infidelity, to screen her phone calls and that he will not allow her to leave the house unless he accompanies her. She is terrified of him, but does not wish the program to alert anyone. She requests that the conversation remain confidential to ensure that she is not harmed (CAV: unpublished document, 43).

Through such vignettes, the manual attempts to offer counselors a sense of the day to day realities of working with offenders and abused women as partners with the criminal justice system and to prepare them for the risks associated with the work. In addition to educating service providers, the case scenarios also assess their commitment to Duluth’s twin principles of offender accountability and victim safety.

Finally, CAV’s Best Practice Guidelines also includes a comprehensive training guide on legal terminology to prepare the community based counselor for her work with the police, courts and probation. “Appendix C: Criminal System Questions and Terminology for Male
“Batterer Programs” is formatted as a Q and A section on the legal system. The manual lists a series of questions, such as “What is the difference between the Criminal Justice System and the Civil or Family Law System?,” or “What is the difference between a peace bond, a restraining order and a no-contact order?,” following each with a lengthy explanation (CAV: unpublished document, 46-47). Definitions of legal terms, such as “absolute discharge,” “cross examination” and “indictable offenses” are also provided. Finally, counselors are offered tips on recognizing indicators of abuse and assessing high risk cases, and are reminded to develop training policies for staff on how they should “conduct themselves” in the event of a police investigation, or if ever subpoenaed to attend court (CAV: unpublished document, 35).

**Feminist Gatekeeping and the Courts: C.A.V. and The Creation of the P.A.R Roster**

The municipal guidelines C.A.V. and its partnering organizations developed in the mid 1990’s to govern and train grassroots organizations delivering batterer’s programs throughout Toronto evolved into an integral text for the administration of the specialized courts. Shortly after M.A.G. enlisted C.A.V. to oversee Toronto’s specialized courts, it adopted the organization’s standards and guidelines as the provincial guidelines for all community agencies delivering P.A.R. counseling to court mandated offenders. The transformation of this municipal document into a provincial text is just one example of the multiple ways in which C.A.V. and its partnering organizations shaped the specialized prosecution process. Chapter three details C.A.V.’s advocacy efforts to create a Duluth like initiative in Toronto and the eventual institutionalization of the coordinated community response discourse, which laid the foundation for the domestic violence courts. Here, through illuminating the groundwork that C.A.V., J.F. & C.S, J.A.O., T.S.S., and T.I.S. engaged in to regulate batter’s programs well before M.A.G.
announced its plans implement the specialized legal process, I show how the entire infrastructure for the eventual delivery of court mandated P.A.R. counseling—and the impetus to standardize programming—was a result of grassroots, rather than government efforts. As noted earlier, in order to receive funding and operate as an accredited P.A.R. provider, all organizations are mandated to comply with these standards and guidelines.

C.A.V.’s influence over the courts and the administration of batter’s programs increased further when M.A.G. enlisted the organization to recruit and train all the community organizations for their roles as P.A.R. providers. The responsibility of creating the P.A.R. roster was part and parcel of C.A.V.’s general position as the manager and intermediary between the provincial government and the P.A.R. organizations. C.A.V. developed a routine screening process for all agencies interested in working with the specialized courts, which entailed two interviews. In addition to assessing each organization’s ability to provide Partner Contact services for partners of abusers attending P.A.R. counseling, a central aim of the evaluation was to assess for and prevent “therapist types” from participating in the courts. C.A.V.’s executive director personally interviewed program directors about their agency’s involvement with delivering anti-violence services for abused women, their philosophical understanding of violence against women and whether they had any previous experience with administering batterer’s programs. If the agency did engage in the delivery of programming to abusers, C.A.V. reviewed counseling curriculums and assessed whether they deployed feminist frameworks. As the gatekeeper to the courts, C.A.V. thus ensured that organizations running anger management programs or typical therapeutic counseling could not obtain accreditation. The provincial standards and guidelines added an additional layer of regulation if the organization passed the initial screening process.
Given CAV’s existing community contacts and collaborations, cultivating a network of organizations equipped to deliver counseling and victim support in accordance with its standards did not require an extensive search or training. CAV enlisted J.F.&C.S., T.S.S., T.I.S., and J.A.O., the four organizations that assisted with the development of the guidelines, to become a part of the roster. J.F.&.C.S. joined the roster as a general P.A.R. provider, but also identified as an organization that specialized in the delivery of a program for Jewish offenders. As mainstream organizations, T.S.S. and J.A.O. primarily offered English programs; however, both also offered ethno-specific P.A.R. counseling. T.I.S., an ethno-specific, immigrant service provider, participated as an ethno-specific P.A.R. provider. In its original incarnation, the P.A.R. roster also included the Aboriginal community organization whose director co-founded C.A.V. and worked with T.S.S. to develop the initial mini-Duluth project discussed in chapter three. The organization was eventually replaced with another Aboriginal agency in 2001 after the director left the specialized court initiative to pursue a graduate degree.

C.A.V. also enlisted the services of Crossroads, Montrose Settlement Services (M.S.S.) and Avondale Immigrant Women’s Centre (A.I.W.C.), all three of which were involved in the process of standardizing counseling for abusers as participants on C.A.V.’s subcommittee on batterer’s programs. For Crossroads and M.S.S., transforming into an accredited P.A.R. program was a straightforward process. Crossroads, a feminist educational collective, formed in the mid 1990’s for the specific purpose of delivering counseling based on the Duluth model for court mandated men. From the start, the agency was “completely grassroots:” the organization received no state funding and the founders, a very “committed group of professionals,” largely engaged in their work on a volunteer basis. Crossroads’ original members included several

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50 I will provide more detail about the ethno-specific programs these agencies provide later on in the chapter.
social workers, a graduate student, a probation officer as well as an instructor from George Brown College, who taught one of Toronto’s first official training courses on the Duluth model to counselors working with abusive men. The organization had been heavily involved with C.A.V. as well as F.S.S. since its inception.

Montrose Settlement Services (M.S.S.) started as an ethno-specific immigrant settlement organization in the 1950’s. Since then, the organization has become one of Toronto’s largest immigrant aid organizations. Though the agency still identifies as an ethno-specific service provider, M.S.S. currently provides services to an array of immigrant communities in over sixty different languages. M.S.S.’s involvement in the anti-violence movement evolved, according to its program directors, largely in response to the “needs of the community” and increased awareness of domestic violence within its targeted demographic. Eventually, the organization “drifted from its original mission” and secured funding from the Ministry of Community and Social Services to develop a Violence Against Women program. Along with T.S.S., the agency grew to be a leading figure in the field of anti-violence immigrant services, developing several city and province wide initiatives which explored how “cultural norms, values, beliefs, roles and a division of labor” impacted abuse in diasporic communities. In the late 1980’s, M.S.S. developed individual and group counseling programs for abusive men in response to a growing number of referrals from probation, as well as voluntary clientele. Although the agency did not deploy the Duluth curriculum prior to becoming an accredited P.A.R. provider, the organization had “always used an anti-oppressive, pro-feminist framework when working with men and women.”

Although Avondale Immigrant Women’s Centre (A.I.W.C.) participated in C.A.V.’s subcommittee on batterer’s programs, the organization joined the roster far after the ones just
discussed. C.A.V. had initially invited A.I.W.C., an immigrant women’s and settlement organization, to participate in the drafting of standards for male programming, after learning of their involvement with running batter’s programs for immigrant men. A.I.W.C. began experimental educational workshops for Spanish speaking men in 1993 to explore the impact of the immigration experience on the incidence of domestic violence. In 1994, the organization received funding from the Wife Assault Prevention Education Program (based in the Ontario Ministry of Citizenship) to develop men’s programming in the Spanish speaking, Italian, Somali, South Asian, West Indian, Serbian and Croatian communities. While the organization developed the groups as a feminist, anti-violence initiative, in order to “sell” them to immigrant men, service providers packaged the initiatives as settlement interventions, variously titling their workshops: *The Role of Men in the Modern Family* (Italian), *Family Relations and Harmony* (Somali), *Men’s Role in the Family* (former republics of Yugoslavia, Spanish and West Indian) and *Cultural Awareness* (South Asian) (A.I.W.C.: 1996, 6). A.I.W.C. emphasized that domestic violence was rooted in men’s use of power and control; however, their interventions targeted the stresses associated with the immigration experience and emphasized individualized constructs, such as “self esteem.” Program organizers aimed to teach men “new and more positive ways of thinking and feeling about themselves” through addressing the challenges of losing social and economic capital, as well as “changing gender roles within the family in the new society” (A.I.W.C: 1996, 8 & 15). Finally, AIWC’s groups were devised as informal mechanisms to address men’s violence. The agency strove to develop “alternatives to family break-up” with the goal of “keeping men out of the criminal justice system” (A.I.W.C.: 1996, ii). Initially, C.A.V. reportedly expressed concern over A.I.W.C.’s “more organic methodology” in their counseling programs for abusive men. However, given the agency’s extensive experience in the field of immigrant services as well as their long history of working with abused immigrant
women, they encouraged A.I.W.C. to consider devising a program that could be run in accordance with the standards and guidelines. A.I.W.C. complied and joined the M.A.G. roster of accredited organization in 1997.

Around the same time, C.A.V. interviewed two additional immigrant organizations for positions as potential P.A.R. providers. Sunbelle Immigrant Women’s Services (S.I.W.S.) began as an ethno-specific immigrant women’s organization in 1990. Right from the start, S.I.W.C. offered counseling to abused immigrant women through its VAW program. Eventually, the organization expanded its involvement in the field of anti-violence services and initiated men’s groups based on the Duluth model in 1997, when a volunteer from the community approached the organization and offered to run the groups for the agency free of charge. The volunteer counselor had reportedly just completed the Duluth course at George Brown College. Although S.I.W.S. was not formally enmeshed in C.A.V.’s subcommittee on batterer’s programs, the organization consulted with C.A.V. and several of the organizations involved in the drafting of the standards and guidelines when designing its own programming for abusers. Given that the agency was already running men’s groups in accordance with the Duluth curriculum, C.A.V. enlisted S.I.W.S. as an official P.A.R. provider when developing the roster for the courts.

The Multicultural Immigrant Community Centre (M.I.C.C.), an ethno-specific settlement organization, was the last agency to join the C.A.V. roster. The agency first got involved in the provision of counseling for abusive men largely in response to requests from probation officers, who were searching for linguistically appropriate, domestic violence counseling for offenders under their supervision. M.I.C.C. also began receiving calls for assistance from a number of other institutions, including schools and the Children’s Aid Society. To cater to these requests, the organization developed an anger management program for immigrant abusers in their
community and began to explore opportunities in the field of domestic violence. At the time, M.I.C.C.’s involvement in anti-violence work was limited; the organization had one dedicated staff member, a psychologist, who specialized in family violence and addiction. The program director involved in the agency’s anti-violence initiatives, advised that she contacted the executive director of C.A.V. after hearing about the launch of the specialized court process. Initially, C.A.V. turned down the organization’s request to become a court mandated P.A.R. program over concerns that they were “not ready.” C.A.V. reportedly expressed concern that the agency’s existing curriculum did not accord with the standards and guidelines, given its emphasis on anger management. C.A.V. informed M.I.C.C. of the provincial standards and guidelines and following a second interview, the agency eventually joined the roster as an accredited P.A.R. provider.

The Myth of the Mainstream and the Mainstreaming of Ethno-Specificity

By 1998, C.A.V.’s original roster for the delivery of accredited P.A.R. counseling included ten organizations, which catered to several of Toronto’s ethno-racial, religious and immigrant communities. The array included the Portuguese, Italian, Aboriginal, Jewish, West Indian, Punjabi, Polish, Bosnian, Serbian, Croatian, Ukrainian, Spanish speaking and Chinese communities. Over the years, PAR programming has both expanded and rescinded. T.S.S. added a counseling program for gay and lesbian offenders in 2001. Around the same time, another community organization joined the roster to provide counseling for female offenders. In 2003, C.A.V. added a program for French speaking offenders and another outside of Toronto to cater to offenders living on the outskirts of the city. The vast majority of the agencies on the original roster remain the same; only J.F. & C.S. left the coalition due to funding constraints.
As noted earlier, for those involved in the daily running of the specialized domestic violence court process, the P.A.R. organizations are classified into two distinct streams: the “mainstream” and the “ethno-specific.” The language and the logic of the ethno-specific counseling program as imagined in the specialized domestic violence court process assumes a shared ethno-racial, linguistic and national background between the counselors and the men attending their programs. The term “mainstream” generates similar assumptions of homogeneity; the category suggests that these programs are generally reserved for the Canadian born offenders. However, this ethno-racial and national homogeneity does not always occur in practice. In addition, the labels of “mainstream” and “ethno-specific” used to categorize the P.A.R. organizations are, in many cases, myths.

For instance, since the start of the specialized prosecution regime, all three of the organizations described as “mainstream” have engaged in the delivery of four of the court’s ethno-specific programs. For example, one of the founders of Crossroads designed the first Duluth based P.A.R. program for Spanish speaking men. Similarly, although technically a “mainstream” neighborhood organization, T.S.S. delivers P.A.R. ethno-specific P.A.R. programming in Tamil and Farsi, in addition to running English language groups. The agency offered to develop and administer these programs given its existing resources and capacities. When T.S.S. was in the midst of developing its anti-violence programs in the mid to late 1980’s, the organization “identified that it needed to be involved with immigrant communities,” given Toronto’s changing demographics particularly in its immediate catchment area. As one of the city’s largest and most well known social service organizations, the task of securing funding for the purposes of expanding services was not difficult; T.S.S. received a grant to conduct a needs assessment of Toronto’s array of immigrant communities and subsequently deployed its findings to develop culturally specific, anti-violence services for abused women in the Sri Lankan and
Iranian communities. When T.S.S. joined the P.A.R. roster, the organization used its existing knowledge, staff and resources to deliver ethno-specific programs for Tamil and Farsi speaking offenders. J.A.O.’s foray into the delivery of ethno-specific programming is similar. The organization drew on its existing partnership with the Jamaican Canadian Association of Toronto to create a P.A.R. program for Caribbean men.

Along with the myth of the mainstream, over the years, ethno-specificity has, in many ways, become mainstreamed; the concept of the ethno-specific organization in its purest incarnation has largely disappeared due to funding constraints. Chapter three described the ongoing battles between the P.A.R. organizations and the provincial government over the lack of adequate resources, as well as the various shifts in the funding formulas deployed by the provincial government to allocate money. To recap, when the courts first emerged, M.A.G. initially funded each agency based on the projected number of referrals of offenders into their P.A.R. programs; program providers indicated the numbers of offenders served in their annual statistical reports, and also supplied their projected referrals based on these previous trends. One consistent problem several of the ethno-specific P.A.R. providers encountered was a low referral rate. If the agency did not in reality service the projected number of offenders, their funding would decrease the following year. Meanwhile, several of the “mainstream” organizations encountered the opposite problem; due to significant numbers of referrals, many began capping attendance for their groups and relying on waiting lists, which created problems for offenders attending for P.A.R. counseling on probation. In order to accommodate Early Plea offenders, who are under court orders to complete their P.A.R. programs within 20 weeks, P.A.R. providers had no choice but to delay the participation of their probation referrals. Eventually, probation officers complained to C.A.V. and the P.A.R. organizations when wait periods interfered with the possibilities of completing court counseling orders during the
probationary period; P.A.R. providers and C.A.V. were just as concerned about the problem. To cope with the provincial government’s refusal to provide more funding for organizations to accommodate the need, several ethno-specific P.A.R. service providers decided to administer English language groups. For example, at Sunbelle Immigrant Women’s Services, 80% of the groups the agency run are now administered in English. Similarly, in the mid-2000’s, Avondale Immigrant Women’s Centre dissolved their ethno-specific programs entirely. Although they still identify as an ethno-specific organization, they now only offer P.A.R. programming in English through their “multi-cultural” groups.

Finally, all of the “mainstream” service providers themselves report that the term “mainstream” breeds a false image of the group as a homogenous space of white, Canadian born, English speaking men. Simon, who runs an English language group at a mainstream organization, characterizes the term as a “misnomer:”

The homogenous group is pretty much a misnomer. There are differences of race, ethnicity, culture, religion. So every group has pretty much someone from some region of the world represented. So it’s quite common for us to have to slow down, make sure interpreters are getting it and then watch our slang terms and phrases. For example, people will say, “the heart of the matter...” So, we need to be on point. My perspective is that it is always present, the diversity. (Simon, P.A.R. Service Provider)

Service providers at mainstream organizations reported that their English language groups typically included at least three non-English speaking men. In the event that P.A.R. programming is not available in his language, a non-English speaking offender will attend a mainstream group with the assistance of an interpreter. Finally, on occasion—and much to the dismay of ethno-specific program providers—immigrant offenders fluent in English regularly attend English language groups, even when the appropriate ethno-specific programming is available. Although
the P.A.R. Coordinator—the key gatekeeper to the P.A.R. organizations and the referral process in the Early Intervention courts—is under directives to prevent this from occurring, ultimately, if language barriers are not a concern, and another program is more convenient in terms of work schedule or location, the P.A.R. Coordinator cannot prevent offenders from selecting their own P.A.R. programs.

Thus, the mainstream/ethno-specific binary is to a degree a misnomer; both categories of organizations cater to similar demographics of offenders. In addition, though at times ethno-racial homogeneity exists between counselors and abusers, this is more of a rare than regular occurrence. Immigrant service providers consistently counsel English speaking, Canadian born offenders, and Canadian born P.A.R. providers regularly provide services to immigrant offenders. However, when we observe the governing regimes emerging within the P.A.R. group, and in so doing, shift the attention away from the programs and knowledges deployed to govern the abusive man—generally the objects of analysis in governmentality research—to the practices of self and strategies the counselors use to perform as quasi-criminal justice administrators of punishment, the binary becomes real.

The remainder of the chapter examines how P.A.R. providers imagine and perform their roles as hybridized criminal justice and community based actors with reference to their direct narratives describing their everyday work with the abusers in their programs, their relations with partnering agencies on the P.A.R. roster, and their interactions with the courts. Using Ewick and Silbey’s (1998) narrative approach, I asked counselors very broad and general questions about how they envisioned their roles within the criminal justice system, how they became involved in anti-violence work, as well as their most rewarding and dispiriting professional experiences in an attempt to piece together what an average day in the life of a
P.A.R. Coordinator looks like. Following Douglas (1986), I understand the interviews as sets of meanings and as indicators of the institutional material counselors deploy to make sense of their positions as quasi-criminal justice officials and the concept of punishment more generally.

**Governing the Abusive Man: Tales of Love and War**

One of the guys, long ago he said he wants to come to [the agency] and settle here and be a co-facilitator with me! (laughs). And other guys, they are leaving the programs, but they want to stay here with me. Because it’s the atmosphere that people create. People can be open and share their joys and pains and whatever. And very often, those guys just don’t have the opportunity...Yeah, it’s a good experience. I think that the P.A.R. program is a good idea for both men and women. And sometimes they come, both of them, when it is finished with flowers, saying, ‘Thank you! You saved our marriage!’” (Elise, P.A.R. counselor, ethno-specific organization)

By the time I’m in the group with them [after the initial intake session], we know each other, so they are respectful. There are a few men, however, that are disrespectful to me. And I bring that up in my role, I have authority. Because I did women’s studies at York, so I do have that training...No one can throw me [off]. And that’s their objective sometimes. You’re the female, we want to throw you. And I come across as clear and strong. I don’t put them down, but I do challenge them...It feels like a gender war sometimes. (Lisa, P.A.R. provider, mainstream organization)

Both Elise and Lisa have been delivering P.A.R. counseling as part of the P.A.R. roster of accredited organizations since the late 1990’s. During their interviews, they described the joys and pains of working with domestic violence offenders, as well as their relationships with C.A.V., M.A.G., crown prosecutors, probation officers and the other P.A.R. organizations. Despite their commonalities—shared colleagues, over a decade of experience counseling men through the domestic violence courts, a standardized curriculum for running their groups—both paint very
different portraits of life as a P.A.R. counselor. While a sense of intimacy and camaraderie typify Elise’s relationships with the men in her programs, for Lisa, going to work is akin to a gender war. Elise speaks fondly of her P.A.R. group as a space where men can “share their joys and pains.” Elsewhere in her interview, she describes her program as a refuge, a place where offenders can “be listened to and be respected, and no one is telling them that what they are saying is stupid.” She describes the transformations the men undergo in her 16 week P.A.R. program as extraordinary; with just a little respect, care and understanding, she advises, “you will see miracles with these guys.”

Meanwhile, in Lisa’s program, changing men is far more of an ordeal, devoid of tenderness and ripe with confrontation. Lisa repeatedly describes her work and interactions with abusers as a “challenge.” The men she encounters rarely express a willingness to accept responsibility for their abusive behavior and more often than not, rudely resist her efforts to educate them about male privilege and patriarchy. Unlike the miraculous transformations Elise witnesses in her group, Lisa is far more cynical about the re-education of the abusive man. In her opinion, the P.A.R. program is just a tiny moment in the very long journey required to transform the domestic violence offender into a respectful partner, who owns up to his sexism and recognizes his male privilege. After more than a decade of toiling at the frontlines in the war to end violence against women, she expresses little optimism in the transformative potential of batterer’s programs. In her own words: “That’s all we’re doing- we give them [the men] some new things to think about. Because that’s how it works; no one is going to go home and be 180 degrees different.”

How should we make sense of such divergent understandings of punishment and reform in a penal regime where technically, all abusers are subject to the same knowledges and programs regardless of the organizations they attend? In addition, how should we understand
the emergence of such oppositional narratives along the mythological categories of the
“mainstream” and the “ethno-specific”? Despite the fact that all of the organizations on the
P.A.R. roster deploy the same curriculum and largely cater to offenders of similar demographics,
the counselors based in ethno-specific agencies consistently offered rosy and touchy-feely
accounts of their counseling sessions. Meanwhile, the P.A.R. groups described by counselors
based in mainstream organizations resembled boot camps, where toughness and tears were far
more likely to surface than the cozy and familial atmospheres of their counterparts. These
narratives illuminate the existence of two different regimes of governance amongst the agencies
on the P.A.R. roster: whereas P.A.R. counseling delivered within the context of the ethno-
specific organization surfaces as a pastoral penal regime, in the mainstream agency, it
materializes as a disciplinary one.

“I Have no Gun or Handcuffs:” Ethno-Specificity and Governing through Care

Foucault (2004) describes pastoral power as a “beneficent power,” one that is based on
the “power of care.” For those who exercise it, power is experienced as a duty or a spiritual
calling, and manifests as “zeal, devotion and endless application” (Foucault: 2004, 126). The
transformation narratives counselors at ethno-specific organizations deploy when describing
how men first present during their initial intake sessions, and their dispositions when graduating
from their programs evoke the sentiment and language of spiritual transformation. When they
first arrive from the courts, service providers explain, the men are uncommunicative and
hardened. The court experience takes its toll, leaving them distrustful of anyone in the system.
Their initial reticence creates a significant obstacle to counselors’ abilities to educate men, given
their reliance on the confession as a technique of intervention. However, after a few weeks in
the program, “miracles begin to happen:” the offenders begin to “open up” and soften.

Counselors cite care, sensitivity and comfort as key to gaining trust and breaking down barriers between themselves and the offenders in the groups:

When they first come here, I see quite a lot of resistance…but what I do is clarify my role. I’m not going to judge you, I’m not going to arrest you, I have no gun or handcuff. I have counseling skills, knowledge and a heart of understanding the situation. I am ready to help… I present it [the program] as a venue by which people of similar experience, that is, spousal abuse, can open their own hearts to each other and share their hardship… And they start to become open. And it’s easier for me to lead them to reveal how far they have gone wrong and astray in handling the relationship (Matthew, P.A.R. counselor, ethno-specific organization).

Initially, I see that the intimidation level is there. When they are doing their intakes, they come here feeling that they are going to be put down. The court has already, they feel, labeled them as abusers…[But] when they are with me, they see the comfort you create with them. I don’t believe in putting them down. The first four or five weeks are crucial in creating that respect level…They have to understand that I’m not judging you. That comes from your expressions too. So you need the neutral face, no matter what they say, the ability to respond to each and every question with sensitivity, your own level of understanding, your feelings. (Anna, P.A.R. counselor, ethno-specific organization)

So when they come in, they are very resentful. They are in denial. They don’t trust me. So I need to build trust. How do I build trust? The first thing is that when they come into the room, I need to make them feel as comfortable as possible…So that’s how I break the ice. (Patricia, P.A.R. counselor, ethno-specific organization)

Matthew works for an ethno-specific, immigrant services organization and runs an ethno-specific program for diasporic abusers. Although he problematizes the behavior of the men in his group and acknowledges his authority, he “leads” rather than judges them. Like a shepherd attending his flock, his duty is to assure his men do not become lost, like sheep “gone astray.”
Rather than punish the men, however, Matthew prefers to care for them. In his experience, sharing hardships and opening one’s heart are the keys to transformation.

Anna, who runs an English language group from a settlement organization, exercises her authority with a similar disposition; she is comforting and sensitive when interacting with the offenders in her group. She spends “four to five weeks” working to gain the trust of the men, paying close attention to the subtleties such as her facial expressions, tone of voice and the impact of her own presence on the dynamics of the group. Patricia, who runs English groups at the same organization as Anna, deploys similar techniques. Trust and comfort again materialize as the key mechanisms for transforming the subjectivities of the abusive men attending her program.

The practices of self each of these counselors deploy when interacting with abused men is very different from the stance Lisa, the P.A.R. provider at the mainstream organization referred to earlier, assumes when counseling the men in her group. Lisa adopts the persona of a feminist disciplinarian; in her counseling group, she is the authority figure and “none of the men can throw” her. The practice of care is entirely absent from her program. In the groups Michael, Patricia and Ana run, the polar opposite is idealized. For all three counselors, appearing soft, nurturing and compassionate, rather than authoritative, is the key to eliciting the men’s participation in the program. Michael, Patricia and Ana work to gain men’s trust, rather than judging or “putting them down.” All three also go to great lengths to distance themselves from the crown prosecutor, judge, police officer and probation officer, and to develop relationships with offenders that bear no resemblance to their encounters with agents of the criminal justice system. Finally, whereas Lisa’s narrative evokes an image of a typical penal institution, the accounts from Michael, Patricia and Ana sound more like a Hallmark card. Feelings, sensitivity,
open hearts and sharing are critical to the governing regimes that flourish in their P.A.R. programs.

**Making Punishment Feel like Home**

Further evidence of the power of care repeatedly surfaces in accounts from counselors based in ethno-specific organizations when they describe the atmospheres they attempt to create in their counseling sessions, and how their services differ from those of mainstream organizations. Contrary to what one might expect, virtually none of the service providers based in ethno-specific agencies made much reference to practices of cultural framing, which Merry (2001) (2006a) (2006b) and others identify as standard in the field of ethno-specific, anti-violence interventions (Berry: 2003). Clearly, this expectation would only emerge in instances where the ethno-specific P.A.R. program is delivered in the style of an ethnic restaurant, where both the counselors and offenders shared a national, ethno-racial and linguistic background; while some P.A.R. programs at ethno-specific agencies are run in this way, as referenced earlier, not all operate so homogenously. However, even in these cases where the administration of the ethno-specific program matches our expectations, service providers made no mention of cultural framing, such as deploying culturally or nationally specific signs and symbols to communicate Duluth’s central concepts, when discussing how their service provision differs from that of the mainstream P.A.R. provider. This absence is notable, given existing research suggesting its regular use within the context of the culturally specific, anti-violence service to ensure the resonance of (supposedly) unfamiliar concepts, such as women’s empowerment, with their clientele. I dissect this practice –and the assumptions underlying it –more thoroughly in chapter four. Here, I only refer to cultural framing to point out its absence amongst P.A.R. providers delivering typical ethno-specific programming.
When asked about how their services differed from the mainstream organization, P.A.R. providers delivering ethno-specific programs consistently referred to atmospheres of comfort they create within their counseling programs. Specifically, they assert that the key distinguishing factor between their programs and their counterparts is their concerted effort to evoke an informal sense of home within their organizations. Thus, in lieu of cultural framing and the deployment of culturally specific material, counselors rely on the more generic and universal tropes of home and family to ensure their interventions resonate with their clientele. For instance, Victor, a P.A.R. provider based in an ethno-specific settlement organization, underscored the importance of serving food to generate intimacy and to create a sense of comfort with the men attending his program. His description of the physical space in which he facilitates his sessions evokes an image of a living room in a home, rather than an institution or office. Victor strives to create an environment that is cozy and informal, not cold or bureaucratic. To accomplish this, he decorates the walls with photographs and serves hot beverages and cookies. Through making space safe and ensuring men feel nurtured, Victor governs through comfort:

*We serve coffee and cookies for the men. Decaf. Tea. So we create an environment where the men feel nurtured to some degree...serving food and beverages is a very important part of culturally saying, you know, you’re coming into our home. Let’s sit down. Let’s have a talk. So creating that kind of environment for the men. And physically, we also have pictures of [our country of origin] and so we decorate our room in a way that’s a reminder you know, to sort of embrace the pride of the culture and the heritage. It’s a very safe environment where people will want to participate and become committed to their work (Victor, P.A.R. counselor, ethno-specific organization).*

Unlike the formal atmosphere of the court, where an offender must obey rules that regulate when he can talk, where he can stand and who he can speak to, “Victor’s” P.A.R. program is a
space of informality, a refuge within the system where he can feel safe, connected and nurtured. Victor prefers to “sit down” and have a chat with the men in his program, rather than discipline or exercise his authority over his clientele. Rather than deploying confrontational tactics, he persuades men to participate in the program by incorporating symbols reminiscent of home, which appeal to the senses: the warmth of the beverages, the sweetness of the cookies and the picturesque and visual reminders of their home country. Ridding the counseling session of any reminder of a punitive institution, or the power relations typical of the court, probation office or police station is central to his performance as a philanthropic punisher.

Along with mimicking the physical sensations of home, counselors also discussed their objectives of evoking the affective associations of it, such as feelings of safety and intimacy, through the creation of family in their groups. Elise, a P.A.R. counselor at an immigrant settlement organization, described a parenting strategy she deploys in her counseling session. In her group, which she runs to accept continuous intakes, the men finishing counseling often perform as “father figures” to the men who are just beginning the program. Clearly, the shared national and cultural backgrounds of the all the participants enable Elise and the men to imagine community amongst one another (Anderson: 1991). These imagined bonds of national origin amplify familial feelings:

There is the whole cultural issue and background issue that we have. So we can share a joke and everyone understands. We can share an experience that is familiar for our culture. So I think it’s extremely important, especially [since] we have older guys and younger guys who were brought up without fathers. So it’s the father figure here who is making some positive changes and being a good example...So I think it is a huge advantage for them to feel connected. Some of them are isolated. Most of them say that they are looking forward to the meeting. It’s the highlight of their week! They joke,
they laugh, they do some role play: one is the husband and the other the wife. (Elise, P.A.R. counselor, ethno-specific organization)

Through invoking a fatherhood discourse, Elise strives to generate familial bonds of intimacy between the men in her counseling session. She describes the group as healing, in so far that it helps them escape the isolation of their everyday lives. Again, the ethno-specific P.A.R. counseling session materializes as a refuge, a safe space where men can experience a sense of home, connection and in some cases, the father they never had. Like children, the participants “laugh” and “joke” as they play house and re-enact the roles of mom and dad, and husband and wife. Elise, with her insistence on nurturing, rather than penalizing the men, also takes part in the make believe as the mother and teacher of the group. In order to teach them the life skills that they were never taught, she gives them exercises and homework, which some “lose, or the dogs will eat! (laughs).”

To a certain degree, Elise’s strategy of cultivating family may not be so surprising, given the shared national origin of the men in her program. However, even in instances where a common ethno-racial, national heritage, or even linguistic background is lacking, symbols of home and family abound. Patricia administers her English language group from an immigrant and women’s settlement agency. While technically, her P.A.R. group can be categorized as a “mainstream” initiative, she prefers to call it a “multicultural” group to better account for its ethno-racial heterogeneity. Patricia’s sessions regularly include “visible minorities,” along with “white Canadians” and “black Canadians,” and at least three or four offenders who attend with the assistance of interpreters. Despite the lack of a common ethno-racial, national or linguistic bond, Patricia regularly deploys familial rituals, such as celebrating birthdays, to encourage intimacy in her program.
They celebrate each others’ birthday... They try to make these group sessions a place where they come and socialize. Two weeks ago, we had a guy who was celebrating his 40th birthday. They brought pizza. As long as there’s no alcohol! (laughs) Lots of juices. They celebrate with the guy, they bring in potluck. The group is [at times] a bunch of guys celebrating together. (Patricia, P.A.R. counselor, ethno-specific organization)

Through sharing food and drinks and celebrating events in each other’s lives, Patricia re-creates a sense of family to reach out to the diverse groups of men in her program. Thus, in contrast to existing accounts and theorizations of ethno-specific, anti-violence practices, within the context of the penal project to change the domestic violence offender, the distinguishing features of ethno-specific practice in relation to the mainstream intervention are techniques of comfort which manifest through universal symbols of home and family. Through invoking both the physical and affective sensations of domesticity in their counseling regimes, counselors at ethno-specific organizations distinguish themselves from their mainstream counterparts and govern through care.

The “Softer Role:” Ethno-Specific P.A.R. Counseling and the Courts

As noted earlier, all P.A.R. counseling is standardized; in order to operate as an accredited P.A.R. service provider in conjunction with the specialized domestic violence courts, the provincial government requires all organizations to comply with guidelines that not only dictate their curriculums, but also mandate their compliance with regulations which direct them to perform as appendages of the criminal justice system. Thus, to function as part of the state’s official roster of counseling organizations, the P.A.R. providers are required to operate as quasi-criminal justice, feminist disciplinarians. However, when asked about how they conceptualize their relationships with the police and courts, the majority of program providers at ethno-
specific organizations consistently distinguished their organizations from the penal system. While all of these counselors do in fact perform as the quasi-probation officers the guidelines expect them to be, they were far less likely than service providers at mainstream agencies to characterize their work as punitive, and far more likely to re-cast their punitive interventions as care.

In some instances, counselors based in ethno-specific organizations deployed their distaste for operating as punitive disciplinarians as key distinguishing features between their P.A.R. counseling services and those of their mainstream counterparts. Part of this ethno-specific P.A.R. performance entails treating offenders “with respect,” or as “family men” rather than criminals. Refraining from tendencies to label offenders as criminal illuminates the influence of the pastoral, rather than disciplinary gaze, in so far as the former downplays correction through reprimand; counselors at ethno-specific organizations thus disguise punishment even further through practices of care. For instance, when asked to discuss how her agency’s services differ from those of the mainstream agency, Lucy, a counselor at an ethno-specific immigrant organization, advised that she aimed to reinforce the identities of the men in her programs as domestic and industrious “family men,” rather than as law breakers. She also distinguished her organizations’ responsibilities from those of the criminal justice system, asserting that it was the law’s role, and not hers, to label and judge the abuser. Highlighting other elements and features of their identities, rather than reinforcing a criminal master status, she explains, also makes offenders “more open” and amenable to intervention:

I guess one the main ones [differences] is...with the men, they often come in very angry and upset because they have been labeled as a criminal. And most of them will spend a lot of time trying to convince us that they are not criminal, because in fact, in many ways, they are not. They are hardworking, they make sure their families are okay.
They’ve been a good father and good husband in their own minds. So they don’t like to be identified as that. So we often spend a lot of time validating that for them. In terms of the culture, they have provided much for their families and they are not criminals.

What they have had to deal with in the criminal justice system, they have dealt with. But here, we’re talking about how to make their lives better for the things that are important to them, which includes family, their partners, their wives, their children. So that’s taken off the table and often we find there’s a more open way of discussing their issues once that’s done, rather than telling them, “you’ve committed a crime, shape up.” We take that off the table and say, yes, you are not a criminal, you’re a hardworking family man who wants to take care of his family...So that’s different from how it might be dealt with elsewhere. (Lucy, P.A.R. counselor, ethno-specific organization)

Elise offered similar remarks when describing the distinctions between her ethno-specific service and mainstream programs, critiquing her counterparts for being “disrespectful” to their clientele. From her perspective, labeling abusers as criminal was both counterproductive and unrealistic. As P.A.R. providers working with the courts, she argues, counselors should not expect clientele to be saints, or like the rest of the population. In addition to just accepting this aspect of the work, she highlights the importance of respect as a fundamental condition of the P.A.R. intervention. While not as blatant as reference to care with regards to being an indicator of a pastoral logic, her emphasis on respect, particularly within the larger context of her interview and her narratives so far described, is synonymous with nurturance:

The other agencies- sometimes they disrespect...they [the men] are criminals, they are psychopaths, they are this. Well, you know, it’s the population they are dealing with so I’m not getting frustrated. But on the other hand, respect is necessary, because that’s probably what they never experienced. They probably never experienced respect in a
proper way. That’s why they are disrespectful, because no one taught them to be respectful. And they are coming for intervention again and being disrespected. So that’s again something that is not just for women, but also for men. You have to be respectful. (Elise, P.A.R. counselor, ethno-specific organization)

For Elise, getting past and accepting the criminalized status, rather than reinforcing the label, is integral to her ethno-specific practice and a tactic she thinks the mainstream organizations would benefit from adopting. Elsewhere in her interview, like Lucy, she attempts to negate the criminalization of the abusers in her program, characterizing them as “hardworking” and “family men,” and distinguishing them from “unemployed or hanging around people.” Although her curriculum is “more or less the same” as all of her partnering organizations, and she runs her program in accordance with the rules of the criminal justice system, she downplays her organizational identity as a quasi-legal institution through emphasizing techniques involving respect and nurturance.

Others similarly distanced their organizations from the penal system by framing their criminal justice responsibilities as care, rather than punishment. Although they breached offenders when required and reprimanded them as appropriate, for the service providers based in ethno-specific programming, counseling the abusive man is an inherently pastoral practice. When asked to describe their roles in the courts, many counselors framed themselves as the “nurturers” and “educators” in the system. The police, probation officers and the prosecutors, in contrast, were depicted as the “hard,” punitive figures. The following is typical of this organizational performance:

I don’t think I am inside the judicial system, but I believe that we are the partner that makes whole force perfect for the rehabilitation of the perpetrator. Because the judicial system plays the tough role, to teach them [offenders] a lesson, to tell them what they did was not acceptable. But we play a softer role, of being a counselor that empathizes
on the one hand, and on the other, who educates in a softer way... The law just cares about the guilty mind and the guilty act. They just convict them and their job is done. There is the issue underneath the behavior and the mentality that we get at. (Matthew, P.A.R. counselor, ethno-specific organization)

For Matthew, the role of the counselor is to educate and understand the abusive man, not to punish or judge him, which he considers to be the responsibility of the courts. Whereas the law only concerns itself with punishment and criminalization, Matthew, as the rehabilitator, goes beyond the surface and the label to transform the offender through empathy, understanding and care. As the “softer force,” he sees no need to engage with the men in his program with a heavy hand. In contrast, compassion and understanding are the keys to achieving success as an educator. Thus, it is through dissociating from the criminal justice system, rather than performing as an appendage of it, that he reaches the men in his program.

Patricia described a similar approach when discussing the intake appointments she conducts with offenders when they first arrive at her agency. While she emphasizes to her clientele that she works in conjunction with the police and the courts, she simultaneously reinforces her distance from the system, insisting that she is not “here to judge them:”

I tell them, I am not a law enforcer, I am a counselor. And then I also tell them I work in collaboration-because I have to be truthful to them-I tell them I work in collaboration with the police officers, probation officers and the crown [prosecutor]. So I have to specify that so they know how we operate. Also we tell them that this is court mandated, it’s not by choice. Also, we tell them the judgment has already been done. We’re not here to judge them. (Patricia, P.A.R. counselor, ethno-specific organization)

Still, despite their distancing practices, all of the counselors engaged in the provision of ethno-specific P.A.R. counseling offered unsolicited accounts of breaching offenders when necessary, complying with the standards and guidelines, and the importance of meaningful criminal justice
consequences to the larger objective of offender accountability. Victor, for instance, who emphasized the importance of serving food, creating a sense of home in his program and ensuring men “feel at ease” in his counseling sessions also stressed the critical role of the P.A.R. provider as a key monitor of the abusive man. He underscored victim safety as the “number one objective” of the program; quoting Ellen Pence, the creator of the Duluth model, he explains: “The primary objective is to keep women safe. And you know, monitoring, as Pence said, is a very strong [factor.] She often said that what works in these groups is that the men are being monitored for 16 weeks.” Thus, although Victor operates very much in accordance with the feminist disciplinary principle of the Duluth model, as noted earlier, his interactions with the men in his program are guided by the logic of care. Victor’s ability to straddle the philanthropic and punitive is well summarized by Denise, a counselor at an immigrant agency who administers both English language and ethno-specific P.A.R. programming. She explains that reporting offenders to the courts if they miss a session or attend group under the influence of drugs or alcohol is “not about sticking it to them [the offenders];” rather, “it’s about developing the grounds to work with them.” Thus, for counselors delivering ethno-specific programming, the punitive and philanthropic are frequently conflated.

“Full of Rules:” PAR as Punishment

The stories counselors from ethno-specific agencies tell distinguishing their PAR programs from punishment are not so surprising on their own; this boundary drawing is typical of common sense understandings of rehabilitation in the liberal democratic imaginary. Naturalized as more modern, humane and less coercive than jail, penal projects of change are generally perceived as gentle and healing, and therefore, non-punitive (Moore: 2007). However, when viewed in relation to how many of the counselors at mainstream organizations
interpret their work and run their programs, governing techniques emphasizing comfort and care take on added significance. Contrast the previous narratives of ethno-specific PAR counseling with the following ones from service providers running English speaking counseling sessions:

I started orientations last week because there were four difficult men that I had done intakes with. And I realized that orientation was going to be extraordinary difficult. So I came and I said there are two very difficult things to do. Number one is to face up to something that we want to deny and number two, to make changes. And that sort of eased them. And I said, “it’s not easy for me to make you look at these things.” And their reluctance just sort of evaporated. (Lisa, P.A.R. counselor, mainstream organization)

We [are] kind of tough on them from the start. I [took] a tougher stance. And the assessment was very long; they would average about three hours. And the clients would cry. And it wasn’t that I made them cry, it’s because we were doing meaningful work. They would become engaged. I find for me, I felt much better with a tougher assessment, a clearer assessment. (Melissa, P.A.R. counselor, ethno-specific organization)

Both Lisa and Melissa describe how they govern and simultaneously make offenders governable. Unlike their counterparts in ethno-specific organizations, neither deploy the power of care when governing abusers, nor do they rely on tactics of nurturing to elicit their confessions. Rather, Lisa and Melissa swear by a “get tough” approach. They use frank communication to get men to accept responsibility for their abusive behavior, rather than cookies, tea and comfort. In addition, in stark contrast to counselors based in ethno-specific organizations, who swear by a “neutral face” and a non-judgmental stance as key strategies to engaging men, here, judgment is paramount. For these counselors, getting men to “face up” to their actions and acknowledging their guilt are required to ultimately “evaporate their reluctance.”
Elsewhere in their interviews, both counselors expand on the typical techniques they deploy to teach concepts such as male privilege. As in the previous example, neither of the service providers make any reference to invoking the warmth of home, creating familial bonds or strategies of care to inspire change in the abusers who attend their programs. For Elise and Melissa, correcting offenders requires rules, authority and hierarchy, not comfort:

So first, I had a lot of rules. Like rules on the board. Basic rules, like no side talking, some basic respect rules...Because things got a bit crazy at [my organization], due to numbers. Sometimes, we had close to 35 clients in one group. They were huge and they were high risk. So it had to be like full of rules and you have to be tough with them. (Melissa, P.A.R. counselor, mainstream organization)

So in the group, I’m the lead...They sometimes come here and they are extremely rude...It’s not about trashing the system. I will not have any negative words said about women in the group...They have lots of opportunities to do that, but not here. And every interaction needs to be respectful in the 36 hours that they are in the program. Those 36 hours will be an exception to their behavior in the outside. (Lisa, P.A.R. counselor, mainstream organization)

The image of the P.A.R. program described here contrasts remarkably from the previous accounts conveyed by counselors at the ethno-specific agencies. Whereas the counselors based in immigrant and settlement organizations rely on generic signs and symbols of home and family to construct their P.A.R. program as a refuge for the abuser, for counselors at mainstream agencies, the P.A.R. program is a space of heightened regulation. In both instances, counselors imagine their counseling sessions to be exceptions to the outside world. However, whereas one emphasizes safety, the other underscores discipline and accountability. In addition, whereas counselors administering mainstream groups reference the importance of formality and structure more typical of a penal institution, their counterparts at ethno-specific organizations strive to create the comfort through informality.
While other counselors based in mainstream organizations did not emphasize authority and informality to the same degree as Melissa and Lisa, their narratives more subtly attest to the importance of rules and structure in administering their counseling programs. Adam, who co-facilitates both English language and ethno-specific groups, for instance, discussed his agency’s protocol for managing offenders who profess to have become “changed men” following the completion of their programs. According to Adam, such assertions are “not credible statements.” To challenge these transformation narratives, his agency has developed a distinct protocol for challenging offenders who insist that they have “learned their lessons” and will never be abusive again. This boilerplate response entails emphasizing the organization’s mantra that “learning is a life process,” which requires “daily [self] vigilance.” Adam expanded on this point, referencing his organization’s rule on graduation certificates, when asked to describe the changes, if any, he observes in the offenders in his counseling program:

There are some differences. We expect them to be honest in their closing statements. They have a chance to say a few goodbye words at the end. And when there is one or more men finishing that day, we put it on the agenda...We generally let them say what they want. But the facilitators can still challenge them at this point. Sometimes, the guys ask for graduation certificates. And we say, ‘no, this is a learning process. You need to keep learning your stuff, you need to be vigilant day by day, so there’s no graduation. This [change] is a life process; this is just to get you started.’ So for the participants finishing that day, if any ask for a certificate, the facilitators will challenge them. (Adam, P.A.R. counselor, mainstream organization”)

Adam and his organization’s cynical response is a far cry from Elise’s wholehearted belief in the “miraculous transformations” of the abusers in her program. While Elise’s narrative is peppered with the language of salvation and faith typical of the pastoral gaze, Adam’s emphasizes
accountability and vigilance through challenging men and mandating their on-going self
governance.

In conjunction with the emphasis on rules amongst mainstream program providers is
the construction of offenders as high risk. Counselors based in immigrant organizations rarely
characterized the men in their programs as risky as a result of their violent behavior. Rather,
they conceptualize an offender’s risk as stemming from need or vulnerability, a finding that is
synonymous with Hannah-Moffat’s (1999) work on female offenders. In contrast to the
characterization of offenders as vulnerable, “lost” and “astray,” counselors at mainstream
organizations were more likely to deploy the language of risk and threat when conceptualizing
their work and rationalizing their interventions. As noted above, both Lisa and Melissa
characterize their clientele as high risk. Similarly, Sasha, who runs both English and ethno-
specific groups from a mainstream organization, deployed the language of risk and danger when
asked to describe how she feels about her work, and her experiences administering P.A.R
counseling. Unsolicited, she discussed the riskiness of the men in her program and the dangers
associated with her job:

Sometimes, in the English groups, we have dangerous guys who own guns and knives. So sometimes we are putting ourselves in danger. But so far, nothing has happened at the agency. But in the [ethno-specific] group –I’ve been doing it for eight years –there was one guy who said, “I was really upset at one point and I thought that I wanted to kill you. (Sasha, P.A.R. counselor, mainstream organization)

In other parts of her interview, Sasha framed her position very much in accordance with
Duluth’s vision of domestic violence counselors operating as quasi-criminal justice actors. When
asked how she conceptualized her role, she advised:
I think it’s valuable work, what [we as] P.A.R. providers do. It’s not just [counseling]; we are taking a lot of risks. And then our office is not equipped like a probation office. But, thanks to [names her organization], our salaries are high. So we have that part. For the amount of risks we are taking, our salaries are high. Our benefits are not attractive though. We wish we had benefits like probation officers. (Sasha, P.A.R. counselor, mainstream organization)

For Sasha, providing P.A.R. counseling is fundamentally risky business; although her financial compensation from her agency somewhat offsets the costs of these dangers, in performing responsibilities more akin to those of probation officers, Sasha believes P.A.R. counselors require the same resources as formal state and legal representatives. Along with better benefits, she argues that structurally, the architecture of her office and organization should consider the potential threats of working with criminalized populations, and be accordingly equipped to ensure her safety, as well as the safety of her colleagues. Unlike her counterparts based in ethno-specific organizations, Sasha does not conceptualize P.A.R. programming as the softer side of the system, nor does she aim to transform her counseling session into a home away from home for the offenders in her program. In contrast, her wishes in terms of the sensations and atmospheres she hopes to create at her organization are the polar opposite. Rather than evoking a sense of home and comfort, or differentiating her organization from the criminal justice system, Sasha underscores the importance of agencies structurally incorporating security features to enable them to operate more like penal institutions.

Mainstream P.A.R. Organizations and the Criminal Justice System

Finally, the performances of punitiveness associated with mainstream P.A.R. programming further materialize in counselors’ discussions of how they relate to the criminal
justice system. As reflected in Sasha’s narratives of her life as a P.A.R. counselor, none of counselors based in mainstream agencies characterized themselves as the “softer” partners of the police and the courts. Instead, many constructed themselves as far more responsible, legalistic, and invested in the objective of victim safety than the system itself. These critiques typically surfaced when counselors discussed their views on the Early Intervention prosecution process, the specialized domestic violence court model described in detail in chapter three. As discussed earlier, the court was originally designed and reserved for low risk, first time offenders. If participants indicate a willingness to plead guilty and interest in the program, they are required to first enter their plea before they attend for counseling and to then return to court for sentencing after they complete the 16 week intervention. In recent years, however, crown prosecutors have consistently ignored the requirements for the plea court, due to case backlogs. As a consequence, they now regularly screen in high risk cases, repeat offenders, and incidents in which victims sustained visible injuries. P.A.R. providers expressed considerable discomfort, and in some instances, downright outrage about the fact that the courts now expect them to act as the sole monitors of high risk offenders. Rather than working together as partners, counselors characterized the P.A.R. organizations and prosecutors as having “competing priorities.”

Lisa, for instance, characterized the court system as both negligent and exploitative. She emphasized that she, along with all the other P.A.R. providers were not correctional or probation officers, and accused the courts of shirking their responsibilities:

I did two intakes today and both of them had multiple charges... Early Plea used to be reserved for one minor incident that was not a pattern...So now we are supervising high risk individuals. And so it’s a greater stress for the group leaders to try and cover all the bases...So there’s much greater pressure on us in early plea to monitor, supervise
because we are counselors. We are counselors. And so the justice system-we are taking a load off that system. They are pushing it down to us. (Lisa, P.A.R. counselor, mainstream organization)

Adam, who works for the same agency, made similar remarks:

It [the court process] needs to be improved. Not all the courts are the same...Some are more busy than others. In those cases, they try to speed up the process and sometimes they send info that is not complete, or they want us to do their jobs, in terms of trying to fit the men in the programs, even if they don't meet the standards. The courts, like us, are ruled by the Ministry of the Attorney General standards. So when they send the men that don’t fit the standards, we struggle with that. (Adam, P.A.R. counselor, mainstream organization)

In addition to compromising the safety of victims and magnifying the risks associated with their positions, counselors frequently discussed the difficulties systemic negligence posed to the objective of offender accountability. Most referenced recent trends in which prosecutors offered offenders peace bonds or made deals to drop their charges following the completion of counseling, instead of the standard, non-custodial sentences they are required to impose. P.A.R. providers complained that the men who received these deals were far less likely to admit abusing their partners without the leverage of a guilty plea. As Melissa explains:

The [prosecutors] just thought, “let’s just put them in.” What we noticed was that all the guys who had serious offences, the charges would be dropped and the guy would get a peace bond. Then he would come to group and behave like a victim... It seemed like they were clearing their backlog of cases and they would severely try to drop them down to something that could pass as Early Plea or peace bond. (Melissa, P.A.R. counselor, mainstream organization)

At times –as is evidenced by the “P.A.R. Freeze” described in chapter three –P.A.R. counselors resisted what they interpreted as prosecutorial attempts to “sell their own agendas;” some
would return men to court if they refused to admit they had abused or threatened their partners. As noted earlier, P.A.R. counselors rely on the offender’s guilty plea as leverage during their intakes. If men plead guilty in court, but then later argue they have done nothing wrong once in the program, the guidelines permit organizations to deny them entry into their counseling programs. Lisa’s agency routinely challenged the deterioration of the original vision of the early plea courts and the disregard of the provincial guidelines amongst prosecutors. The consequences were (temporarily) disastrous: the head prosecutor of one of the court houses boycotted her organization’s program. Without the referrals, the agency’s funding was subsequently jeopardized. Ultimately, the organization collaborated with C.A.V. to resolve the conflict. However, prosecutorial practices, Lisa insisted that prosecutorial practices continue to prioritize administrative matters over victim safety.

**Conclusion**

Unlike the criminalized figures typically subjected to philanthropic punishment, within Toronto’s penal project to change the domestic violence offender, the abuser is technically not constituted as a vulnerable or salvageable subject. Rather, the rationale for incorporating grassroots organizations into this regime is rooted in his riskiness. As a feminist disciplinary regime, the Duluth model advocates for the inclusion of the community gaze for the supervision and correction of the abuser, not for his care. The ultimate objectives of the framework are victim safety and offender accountability, which are enshrined in the provincial standards and guidelines governing the specialized prosecution process. The *Accountability Standards and Guidelines for Batterer’s Programs* dictate the curriculums P.A.R. providers are required to deploy in their programs when counseling abusive men. The document also serves as a training manual aimed to prepare community organizations for their responsibilities with the courts. In
shifting the organizational gaze from the philanthropic to the punitive, the standards and
guidelines aim to transform the grassroots organization into an appendage of the criminal
justice system. Although widely known as a provincial document, the accountability standards
were not originally designed by state representatives. Rather, the document was the brainchild
of C.A.V. and several partnering organizations, all of which currently serve as accredited P.A.R.
providers for the specialized courts.

Despite the development of a standardized penal regime to transform the domestic
violence offender, and its collective support at the level of both the provincial government and
the grassroots, empirically observing the delivery of these programs illuminates the constitutive
power of the translation process. Based on rules and guidelines alone, we would assume all the
P.A.R. regimes to operate in a cookie cutter fashion where only feminist disciplinary techniques
and strategies prevail. However, accounts of the actual administration of these programs reveal
the unexpected materialization of pastoral power in the governance of the domestic violence
offender. They also suggest the existence of differing regimes of governance along the
categorical distinction of “ethno-specific” and “mainstream” despite the mythology of these
labels in reality. Whereas disciplinary regimes tend to evolve in the counseling sessions
administered by the mainstream organization, pastoral ones proliferate within the context of
the ethno-specific agencies.

To understand the surfacing of pastoral power and its concentration within ethno-
specific P.A.R. regimes, we need to look past official discourse and towards organizational habit
and identity. Counselors based in ethno-specific organizations clearly go to great lengths to
distinguish their responsibilities from those of the typical criminal justice figures, preferring to
educate, rather than reprimand, and to nurture, rather than judge. In so doing, they deploy
generic symbols of home and family to ensure offenders feel comforted when embarking on their transformations from abusers to orderly citizens. Critical to this endeavor is the framing of the agency as an informal, home-like space, rather than a cold, penal institution. Ethno-specific P.A.R. programming is delivered in this way, regardless of the national origins of offenders attending for counseling. As noted earlier, both the mainstream and ethno-specific agencies cater to similar demographics of offenders. Pastoral P.A.R. strategies thus appear to be far more a byproduct of habit and ritual, rather than of individual reason or discretion.

Examining the wider field of Toronto’s ethno-specific and immigrant anti-violence services provides insight into the meaning and value of the home/institution binary to the organizations operating as ethno-specific P.A.R. providers. The same boundary drawing and performative practices service providers at ethno-specific P.A.R. organizations deploy feature just as prominently in narratives from service providers in the sector more generally, particularly in accounts describing the value of the ethno-specific service and its difference from the typical, mainstream intervention. In chapter four, I analyze the cultural material immigrant anti-violence counselors working with abused immigrant women draw from to perform as empowerment and citizenship experts. Though I did not discuss how service providers at immigrant women’s organizations distinguished themselves from their mainstream counterparts in the chapter, I did ask them questions about this issue during the course of their interviews. As is the case amongst the P.A.R providers delivering ethno-specific programming, very few women’s counselors made much reference to the practice of cultural framing. Rather, the home/institution binary served as the foundational prism through which they distinguished their services from those offered by mainstream anti-violence organizations. Consider the following responses they provided when asked to discuss how their programs differ from mainstream anti-violence interventions:
We want to believe that we are different, because we look different, in a way. A lot of people here say that they don’t feel here that they are a number. This is a house. You see the kitchen is there, the dining room is here, there’s a lot of light. You don’t only see one person...We live together here as a family and the clients know that. They know that this is not an open and closed private [space]. They come here on Saturdays and they see us having breakfast and they come to talk to us. Our policy is open door. But it is not an open door with a security camera on top. This is a combination office: house, family, shelter. (Miguel, executive director & front line worker, immigrant legal clinic)

In terms of counseling and stuff, let’s just say at [names a mainstream organization], you will perhaps have 20 counseling sessions. That’s meeting the mainstream, white woman stereotype...I think that what mainstream organizations do is create another barrier. So it’s a 20 session limit. [The woman often wonders,] can I call you or not? Here, you can have as many as you want, whenever you need them. And South Asian women prefer it if you can give them more time. Time is very limited there [in mainstream organizations]. I like to speak to the women I’m working with, even if it take an hour and a half, sometimes two, that’s fine. She can call me, or I can divide up the time, maybe four calls in a day for a half an hour. (Rupa, anti-violence counselor, immigrant women’s organization)

For family violence [services], we don’t charge women; in the mainstream organization, that might be the difference. (Aziza, immigrant anti-violence counselor, neighborhood organization)

I find that clients- they don’t treat us like clinicians, or case managers or workers. They treat us more like friends. In Vietnamese, when you address one another, you call them ‘big sister,’ ‘big brother,’ ‘little sister,’ ‘little brother;’ the terms ‘you’ and ‘me’ are very strong, very overly polite. They come in and we just try to make them feel like they’re at home. We try to encourage them to develop that relationship. For example, they’ll come in and they see our receptionist and they talk and they even come right to the back and into my office. In other [mainstream] organizations, you can’t really do that. (Linda, executive director, ethno-specific women’ organization)
One can perhaps envision very similar responses from mainstream, feminist anti-violence service working abused women if asked to distinguish between their interventions and for instance, a state based victim service. However, the fact that the ethno-specific organization relationally constructs the mainstream intervention as more bureaucratic, formal and institutional shows that performances of informality serve as a form of symbolic capital in the anti-violence sector. In addition, a central rationale for the founding of separate shelters and women’s organizations for immigrant and racialized women in the late 1970’s was the need for non bureaucratic and homelike safe spaces (Agnew: 1998). This movement was in part informed by an anti-racist, feminist political discourse that critiqued the practice of implementing contingencies on services for abused women, such as counseling attendance requirements; anti-racist, feminist activists admonished such regulations as “mainstream” and culturally insensitive. The race amongst service providers based in ethno-specific agencies to construct their organizations as a “home away from home” in part reflects this political discourse.

In addition, informality is also guiding principle in the immigrant settlement sector and a foundational rationale for the enlisting of immigrant community organizations by the state. Toronto’s first settlement houses emerged in the late nineteenth century and expanded into a volunteer run movement by the mid-twentieth century (Iacovetta: 2006). Since the development of the Immigrant Settlement and Adaptation Program (I.S.A.P.) in 1974, immigrant community organizations now receive extensive funding from the provincial and federal governments to assist newcomers with an array of activities, including finding jobs, obtaining

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51 Crenshaw (1991) documents similar critiques in her discussion of intersectionality and anti-violence services for abused immigrant women.
health and social insurance numbers, and learning English. The state logic for contracting out
settlement responsibilities to the community based organization was to ensure the delivery of
these services in a “more personal, integrative and a less bureaucratized way than government”
(Indra: 1987; Lippert: 1998, 383). As the basis for its funding, the home/bureaucratic binary
plays an integral role in the ethno-specific organizational identity. The pastoral penal strategies
that materialize in the ethno-specific program P.A.R. intervention are thus a spinoff of this
idealization and performance of informality and domesticity.

Counselors delivering services through the ethno-specific P.A.R. program no longer have
voluntary compliance as a technique of citizenship at their disposal; however, their wider
organizational habits and rituals foster gentle coercion and governance. Built into the
architecture of the immigrant service organization is the image of the service seeker as a
newcomer. As subjects in need of guidance, the habit of the immigrant organization is to care
for, rather than correct, its clientele in their evolutions into active Canadian citizens. In addition,
performing as a home, rather than an institution, is a form of symbolic capital in the field of
immigrant services. These wider organizational logics add a distinctive flavor to the punishment
immigrant and ethno-specific agencies deliver once they transition into quasi-criminal justice
institutions.
Conclusion

This dissertation analyzes the governance of domestic violence to illuminate the role of community organizations in shaping the prosecution of the crime, defining the conditions of punishment for domestic violence offenders, and in empowering abused immigrant women. In addition to examining the non-profit organizations that contract directly with the criminal justice system to provide court mandated counseling for offenders, this study also explores Toronto’s extensive sector of immigrant community agencies that manage the problem on the outskirts of the legal system. This narrowed focus on immigrant organizations emerges from an interest in exploring the scripts of active citizenship and women’s empowerment that diasporic anti-violence counselors deploy to perform as experts on domestic violence in their communities. The question of expertise comes to the fore when we consider how discourses of violence against women “otherize” non-Western migrants within the context of Western liberal democratic regimes. Post-colonial theoretical frameworks remind us of the continued significance of the treatment of women to nation building and Western hegemony. As a barometer of national health, whether or not a social order fosters equitable gender relations has long been deployed to symbolize modernity. While these processes were most obvious historically, within the context of empire building and colonialism, they continue to linger in contemporary regimes, surfacing frequently in discussions of migration and violence against women. In the Canadian context, we have seen ongoing state and media panics over fears that the “others” will import their “barbaric cultural practices” to the West. Whether the focus is on the hijab or supposed honor killings, the general narrative tells a story of violent masculinities and passive femininities in the immigrant home. In this post-911 context of heated cultural debate, the work of predominately non-Western, diasporic experts on gender violence, who serve as the mediators between their communities and official state and legal systems, raises a
number of questions. The first relates to the effects of “culture talk” and “otherizing” within the context of ethno-specific, anti-violence interventions. Specifically, how do these processes impact the empowerment of the abused immigrant woman? The second focuses more directly on the conundrum of the counselor delivering ethno-specific services. How do immigrant gatekeepers, who are simultaneously scripted as both “experts” and “others” to the nation, navigate these contradictions and conceptualize the ideas of women’s empowerment and active citizenship?

Chapter 4 addresses these topics and questions in detail. Interviews with immigrant anti-violence counselors reveal no unitary stance on the empowerment of abused immigrant women, nor is there much consensus on whether the law or “becoming Canadian” will guarantee her freedom from abuse. In some cases, the narratives service providers deploy when discussing the problems and solutions of their clientele are the typical liberal rescue narratives, where Canadian rights and freedoms are cast as the panacea for immigrant victims, who suffer from violence as a result of their “cultures.” According to the counselors espousing this perspective, abused immigrant women just need to learn that violence against women is wrong and realize that in Canada, they are entitled to live lives free of abuse, a right they never possessed in their countries of origin. Interestingly, although they conceptualize “culture” as the barrier to empowerment, these service providers did not comment on how they managed to escape the grips of the very same cultural forces. For many other counselors, however, Canadian laws and policies were far less conducive to solving the problem of gender violence in immigrant communities. In fact, many argued that criminal justice interventions in reality disempowered women, and that the myth of guaranteed gender equality actually harmed them through instilling a false sense of security in Canada and its legal system. In these cases,
counselors undermined liberal progress narratives, as well as the general constructions of the law and the West as tickets to empowerment.

The counselor’s insistence that the West is in reality not the authority on feminism it imagines itself to be was reiterated in their narratives of how they derived their expertise on women’s empowerment and active citizenship, both of which are naturalized as the exclusive domains of Western liberal democratic regimes. When discussing their techniques for fostering rights bearing and politically engaged subjects, service providers did not reference Canada as their teachers. Rather, they conceptualized their expertise as evolving from their own politicization and work experiences back home. Virtually, all of the counselors interviewed reported either professional or extra-curricular involvement in efforts to end violence against women in their countries of origin. It was “back there,” and not in Canada, service providers insisted, that they acquired the requisite tools and training to work with marginalized communities in overcoming the problems of poverty, abuse, gender oppression, and other systemic inequalities. In many cases, immigrant gatekeepers scripted “Canadian” mechanisms of empowering women and citizens more generally as ineffective or inferior to the methods they deployed back home.

These findings on a larger scale challenge liberal narratives that characterize the East as a space devoid of the cultural material of women’s empowerment and the West as possessing a monopoly on the concept. Narratives from counselors construct feminism as indigenous to the East, not imported from the West. In addition, these stories, and a focus on global actors mediating in the West more generally, offers an alternative perspective on processes of legal translation. Existing literature tends to be confined to the re-configuration and movement of ideas about the law from the West to the East. This trajectory has been thoroughly explored in
the human rights literature on gender violence, which illustrates how actors mediate the interface of the global and local, and the various processes deployed to make the concept of women’s empowerment meaningful. In contrast, when we consider the work of Canadian immigrant gatekeepers, there is little evidence to support the idea that translation is widely practiced in efforts to raise awareness about gender violence, or even relevant at all. According to service providers, women’s empowerment is not an unfamiliar construct, or something native to the West in need of re-articulation to their immigrant clientele. They, as well as the newcomers seeking their services, already possess an understanding of violence against women as intolerable, and an entitlement to live lives free of abuse. Finally, in addition to complicating the binaries of the global/local and West/East, the political consciousness and subjectivities of the migrant gatekeepers in this study present an account of “immigrantness” that departs from many existing studies examining migration and citizenship. The political engagement of service providers, particularly their critiques of Canadian empowerment practices and methods for cultivating active citizens, disrupts the dichotomies of the immigrant as either abject or “super-citizen” that Honig (2001) argues continually confines discussions of foreignness in liberal democratic regimes. As neither threats to nor affirmations of the key principles of good citizenship, the diasporic service providers in my study fall outside of these parameters.

Along with emphasizing the wider and global theoretical significance of the positioning of migrants as empowerment experts in a Western liberal democratic regime, applying a post-colonial lens, which highlights continuities between contemporary and historical processes around citizenship and nation building, also illuminates the connections between ethno-specific services and historical instances of “others” governing “others.” In the past, class position figured prominently in authorizing colonized subjects to govern their own in instances where colonial regimes depended on their participation during processes of legal transplantation.
Whether initiatives to ensure law and order involved maintaining local legal practices or implementing Western legal regimes, colonized elites often played key roles in facilitating these initiatives. Along with possessing the skills required by colonial regimes in modifying rule of law, status and educational background distinguished colonized elites from the masses, adding a veneer of respectability which authorized them for their gatekeeping positions. In the contemporary Canadian context, where diasporic service providers perform as mediators between legal systems and their communities, class position is also significant. One striking feature of the settlement and anti-violence counselors in this study is their elite status. When asked to discuss their professional backgrounds, the range of professions cited included several professors, lawyers, an engineer, and an economist. Also common were social workers, professional activists and teachers. However, in contrast to the relevance of class in governing relations historically, class position in this context manifests very differently. First, based on their discussions of their clienteles’ predicament, there does not appear to be a vast discrepancy in class position between service providers and service seekers; most counselors referred to the newcomers receiving services as overqualified, well educated professionals trapped in survival jobs due to the failure of professional associations in Canada to recognize their qualifications and work experience. In addition, unlike the few existing academic studies on immigrant gatekeeping, all of which focus on the phenomena in the United States, the service providers in my study drew few connections between a lack of middle class values and a propensity for domestic violence. Class position, however, is still important to understanding the expertise of the service providers. Within this field of immigrant services, the loss of economic, social and cultural capital, and the symbolic material of suffering more generally, is what authorizes service providers and enables them to govern their clientele.
Along with contributing to the field of post-colonial studies, the focus on the governance of domestic violence at the site of the community and the non-state actors involved in the process is also relevant to socio-legal studies and criminology. Privileging the quasi-legal actor in governance networks transcends the longstanding theoretical divides between the “law” and the “social” that socio-legal research emerged to overcome. As the figure in between the everyday person and legal professional, theorizing the production of law at the level of the quasi-legal actor circumvents this binary. Understanding and empirically examining the work of non-state actors also contributes to criminology, which, unlike law and society scholarship, has done very little to disturb the field’s more or less exclusive focus on state and criminal justice actors when analyzing efforts to maintain law and order. Although, in recent years, governance scholarship has drawn attention to the growing relevance of the criminal justice-community partnership in efforts to prevent and control crime, for the most part, most of these studies are largely theoretical, and tend to cast non-state entities as supporting actors in crime fighting coalitions.

Chapters 3 and 5 explore the governance of domestic violence through the community with reference to Toronto’s specialized domestic violence courts and the community based organizations that currently contract with the provincial government to provide domestic violence counseling to offenders prosecuted through the courts. The origin story of the courts reveals the critical role of grassroots organizations, particularly one feminist agency known as the Coalition Against Violence (C.A.V.), in developing the infrastructure for and implementing the specialized prosecution process. In addition to constructing the guidelines the provincial government now deploys to regulate all counseling programs for abusive men administered through the courts in Ontario, C.A.V. performs a key role in the daily administration of the specialized domestic violence courts. Although the structures of all specialized legal initiatives
regularly incorporate the expertise and knowledges of community based actors, what makes Toronto’s courts so unique are the regular transgressions of non-state actors into legal territories outside of their prescribed roles. In Westbrook’s domestic violence plea court, an administrative coordinator regularly performs as a hybrid of the crown prosecutor/defense counsel, assessing the validity of guilty pleas, designating what facts legally constitute assaults, and determining bail conditions for offenders. Though less frequent, counselors for the courts have also intervened in the prosecution process. During an event known as the “P.A.R. Freeze,” service providers from all of the agencies providing Partner Abuse Response (P.A.R.) counseling joined forces under the auspices of C.A.V. to launch a boycott to protest changes in prosecutorial practices that deviated from the court’s original vision. The boycott effectively shut the courts down for months until the provincial government intervened to mediate the conflict. These examples illuminate the degree of formal social control community based service providers exert in efforts to manage the problem of domestic violence and govern offenders, a finding that may have been overlooked if one were to focus exclusively on the typical criminal justice actors in maintaining law and order, such as the police, probation officers and lawyers.

The influence of the community on the governance of domestic violence also extends far beyond the actions and discretion of individual non-state actors involved in the specialized court process. The analysis of the governing regimes evolving within the various agencies delivering P.A.R. programs reveals how organizational habit and ritual influence the punishment of the domestic violence offender. Chapter 5 examines the division of P.A.R. programming into ethno-specific and mainstream education groups. The analysis illuminates the evolution of differing penal regimes –pastoral power in the former and disciplinary regimes in the latter – despite the fact that both groups generally cater to offenders of similar demographics, and all agencies are required to deploy the same model of counseling. The factors influencing the
proliferation of pastoral regimes of power for domestic violence offenders are the wider institutional identities of the agencies who identify as ethno-specific service providers, all of which operate as immigrant service organizations in their everyday existences. Organizational performance, agency habits, and a general conception of the client as a newcomer in need of guidance and care enable the pastoral punishment of the abusive man, a practice more typically deployed on criminalized subjects thought to be vulnerable, such as female prisoners and juvenile delinquents. These findings contribute to the field of criminology and scholarship on governance through illuminating how non-state actors administer and fragment the legal power to punish. They also add to socio-legal studies through offering an analysis of the legal consciousness of organizations.

While the strength of this study is clearly its attention to the non-state actors in networks of governance, the exclusive focus on community based and grassroots workers is also its limitation. The origin story of the domestic violence courts presented in chapter 3, for instance, may have looked differently if it incorporated the insights of the provincial government bureaucrats working with C.A.V. directors in the years preceding the formation of the Ontario Ministry of the Attorney General’s (M.A.G.) official partnership with the organization. Gaining a sense of the internal workings of M.A.G. at the time would offer deeper and more complex insight into the effects of public pressures, media panics, and domestic homicide inquests on the institution during the evolution of the specialized domestic violence court process. An interesting addition to this study would be a consideration of how these factors influenced discussions and negotiations over the specific issue of funding for violence against women initiatives and the various processes through which resources to fund the courts and P.A.R. counseling were secured. Gaining insight into whether any competing projects were overlooked or existing ones defunded would be fruitful for understanding the larger context in
which grassroots feminist agendas merged with those of the conservative provincial
government. Incorporating the perspectives of provincial government representatives into this
existing story would thus enable a fuller analysis of the formation of the criminal justice and
grassroots partnership, and the governance of domestic violence through the community.

Another limitation to the analysis emerges when we consider how unique Toronto’s
specialized domestic violence courts actually are in relation to other problem solving court
processes. Although the discussion in chapter 3 clearly illustrates that community based
workers regularly transgress their prescribed roles in the courts, and at times, perform more like
crown prosecutors or defense attorneys than the counselors and administrative staff they are
envisioned to be, it is difficult to determine with absolute certainty if this is in fact unique to
Toronto’s domestic violence courts. To do so would require empirical analysis and court
observation of other domestic violence courts or specialized prosecution processes more
generally. With the exception of a few studies, most existing research in this area has not
empirically observed how community based workers and non-state actors administer their daily
responsibilities in the courts. Most tend to be confined to evaluations on the effectiveness of
specialized legal initiatives, general discussions on how these projects differ from traditional
prosecution processes, or broad overviews of how various courts operate. Future research on
this issue may benefit from incorporating a similar empirical lens as this study when examining
the roles of non-state entities in problem solving courts.

This research also does not consider the legal consciousness of the immigrant women
who access the community-based, anti-violence and settlement services that are the subject of
this study. Chapter 4 raises several questions about the mechanisms through which immigrant
victims of abuse, and newcomers more generally, find services and learn about the intricacies of
the legal process. The ongoing characterizations of clientele as “knowing nothing” amongst service providers, even in the face of hard evidence that some service seekers possess considerable working knowledge of the criminal justice system, affirm the necessity of speaking directly to newcomers who attend immigrant service organizations. The objective of this endeavor would not be so much to discover the “truth” of the abused immigrant woman. Rather, by gaining a sense of the conversations, experiences, networks, locales, and the various rituals that form the everyday lives of newcomers, it would be possible to unearth the hidden or so far undiscovered spaces for the cultural production of law. While non-profit, quasi-legal services undoubtedly perform a critical role in mediating between newcomers and the legal system, the fact that many service seekers already know quite a bit prior to attending for services shows that there are many locales, be they the grocery store, place of work, playground, or bus stop, that produce a consciousness of law.

Finally, chapter 2 considers the advent of the governing logic of ethno-specificity and the degree to which the practice is a Toronto peculiarity. Although the discussion shows that the ethno-specific organization is not exclusive to the city, or Canada more generally, simply noting the numerical presence of similar agencies elsewhere does not entirely provide answers the question. Future research might consider charting the advent of ethno-specific agencies in other gateway cities to determine how the practice of governing through ethno-racial identity evolved in different locales. The recent proliferation of settlement services in several Australian cities may allow for an interesting comparison study, given that newcomer services are contracted out by the Australian government to community-based agencies in the same way that Citizenship and Immigration Canada (C.I.C.) delivers its Immigrant Settlement and Adaptation Programs (I.S.A.P). In addition, in February of 2011, the Australian Department of Citizenship and Immigration unveiled the country’s new and official policy on multiculturalism. A
Canadian and Australian comparative study would offer more insight into how ethno-racial identity emerged as a terrain of governance within the context of immigrant services, and national distinctions in the practice and logic of ethno-specificity.
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