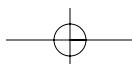
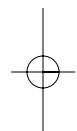
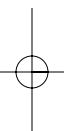


---

## Reaction and Resistance





**Law and Society Series**  
**W. Wesley Pue, General Editor**

The Law and Society Series explores law as a socially embedded phenomenon. It is premised on the understanding that the conventional division of law from society creates false dichotomies in thinking, scholarship, educational practice, and social life. Books in the series treat law and society as mutually constitutive and seek to bridge scholarship emerging from interdisciplinary engagement of law with disciplines such as politics, social theory, history, political economy, and gender studies.

*A list of the titles in this series appears at the end of this book.*

*Edited by Dorothy E. Chunn,  
Susan B. Boyd, and Hester Lessard*

---

Reaction and Resistance: Feminism,  
Law, and Social Change



**UBC**Press • Vancouver • Toronto

© UBC Press 2007

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without prior written permission of the publisher, or, in Canada, in the case of photocopying or other reprographic copying, a licence from Access Copyright (Canadian Copyright Licensing Agency), [www.accesscopyright.ca](http://www.accesscopyright.ca).

15 14 13 12 11 10 09 08 07 5 4 3 2 1

Printed in Canada on ancient-forest-free paper (100% post-consumer recycled) that is processed chlorine- and acid-free, with vegetable-based inks.

---

**Library and Archives Canada Cataloguing in Publication**

Reaction and resistance : feminism, law, and social change / edited by Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard.

Includes bibliographical references and index.

ISBN 978-0-7748-1411-9

1. Feminism – Canada. 2. Feminism – Political aspects – Canada. 3. Women – Legal status, laws, etc. – Canada. 4. Women – Government policy – Canada. 5. Canada – Social policy. 6. Social change – Canada. I. Chunn, Dorothy E. (Dorothy Ellen), 1943-. II. Boyd, Susan B. III. Lessard, Hester, 1948-

---

HQ1155.R43 2007      305.420971      C2007-904283-X

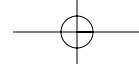
---

Canada

UBC Press gratefully acknowledges the financial support for our publishing program of the Government of Canada through the Book Publishing Industry Development Program (BPIDP), and of the Canada Council for the Arts, and the British Columbia Arts Council.

This book has been published with the help of a grant from the Canadian Federation for the Humanities and Social Sciences, through the Aid to Scholarly Publications Programme, using funds provided by the Social Sciences and Humanities Research Council of Canada.

UBC Press  
The University of British Columbia  
2029 West Mall  
Vancouver, BC V6T 1Z2  
604-822-5959 / Fax: 604-822-6083  
[www.ubcpress.ca](http://www.ubcpress.ca)



# Contents

Acknowledgments / vii

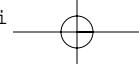
- 1** Feminism, Law, and Social Change: An Overview / 1  
*Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard*

**PART 1 Media Representations of Feminism, Anti-Racism,  
and Their Counter-Movements**

- 2** "Take It Easy Girls": Feminism, Equality, and Social Change  
in the Media / 31  
*Dorothy E. Chunn*
- 3** Virtual Backlash: Representations of Men's "Rights" and Feminist  
"Wrongs" in Cyberspace / 65  
*Robert Menzies*
- 4** Imperial Longings, Feminist Responses: Print Media and the Imagining  
of Nationhood after 9/11 / 98  
*Sunera Thobani*

**PART 2 Sexual Terrains: Criminal Law and the Campus**

- 5** The Discursive Disappearance of Sexualized Violence: Feminist Law  
Reform, Judicial Resistance, and Neo-Liberal Sexual Citizenship / 127  
*Lise Gotell*
- 6** Backlash in the Academy: The Evolution of Campus Sexual Harassment  
Regimes / 164  
*Hester Lessard*



### **PART 3 Familial Identities and Neo-Liberal Reform**

- 7** Feminism, Fathers' Rights, and Family Catastrophes: Parliamentary Discourses on Post-Separation Parenting, 1966-2003 / 198  
*Susan B. Boyd and Claire F.L. Young*

- 8** Child-Centred Advocacy and the Invisibility of Women in Poverty Discourse and Social Policy / 229  
*Wanda Wiegers*

- 9** Challenging Heteronormativity? Reaction and Resistance to the Legal Recognition of Same-Sex Partnerships / 262  
*Claire F.L. Young and Susan B. Boyd*

Contributors / 291

Index / 293

## Acknowledgments

This book grew out of a series of conversations between Dorothy Chunn and Susan Boyd about the lack of any empirical ground for what seemed to be an increasing resistance to, and negative portrayal of, feminism. These conversations — which took place while we walked Vancouver's Stanley Park seawall during the mid-1990s — in turn generated a Social Sciences and Humanities Research Council (SSHRC) project, which was funded by the Women and Social Change Strategic Grants Program. We are deeply thankful for the latter program and the funds it provided, without which we could not have started, much less completed, the project. Indeed, the subsequent cancellation of the program reinforced our sense of a deepening climate of public disaffection towards feminism and, perhaps ironically, solidified our conviction that our project's focus on reaction and resistance to feminism, law, and social change was urgently needed.

Near the end of the project, we held a workshop on "Feminism, Law, and Social Change: (Re)Action and Resistance" at the Peter Wall Institute for Advanced Studies at the University of British Columbia (UBC) on 7-8 May 2004. This workshop was supported by funding from the SSHRC project, the Peter Wall Institute for Advanced Studies (UBC), the Centre for Feminist Legal Studies (UBC), the Office of the Vice President (UBC), and the Feminist Institute for Studies on Law and Society at Simon Fraser University. We are grateful to all of our funders for the opportunity to broaden the scope of our investigation of reaction and resistance to feminist-inspired law reform and to invite a wider range of scholars to contribute to this book. The original SSHRC project's principal investigator, Dorothy Chunn, and its co-investigators, Susan Boyd, Hester Lessard, Robert Menzies, and Claire Young, are also authors of chapters in the collection.

The contributors to the collection represent a range of disciplinary and substantive interests but share a commitment to the analysis of law and society from feminist perspectives. All conceptualize law as a gendering practice, which varies depending on key factors such as race, class, sexual orientation, and disability. Collectively, we bring an interdisciplinary,

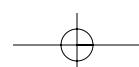
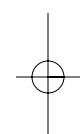
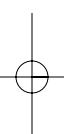
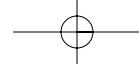
viii *Acknowledgments*

historically informed approach to the analysis of feminism, law, and social change. While our respective chapters do not, indeed could not, deal with the complete range of issues that feminists have addressed, they instead provide exemplars, and we have attempted to build on and expand the existing work with the aim of synthesizing knowledge about the dynamics and impact of feminist (and other) social movements, especially in Canada. Although a separate study of reaction and resistance to feminism in Québec is certainly needed, some of our chapters do address discourses emanating from Québec.

Many people have assisted us in bringing the book to completion. We thank Randy Schmidt of UBC Press for his sage advice and for steering the manuscript through the various steps in the publication process, and Wes Pue, editor of the now very substantial Law and Society series of which this book is a part. Our anonymous referees took considerable care to give us valuable feedback, which we have tried to respect in making our revisions. Over the years, many amazing research assistants have assisted us, including Angela Cameron, Emma Cunliffe, Renée Hoggard, Fiona Kelly, Krista Robson, Chantal Faucher, Diana Young, Olga Sanmiguel, Nikki Gershbain, and Keltie Mann. Special thanks are due to Shauna Labman, who assisted us with our proofreading, and to Stacy Belden, Sarah Munro, and Darcy Cullen for their editorial work. Finally, we thank our partners, families, and friends for their patience, encouragement, and support during the years we laboured on this project.

---

## Reaction and Resistance



# 1

## Feminism, Law, and Social Change: An Overview

Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard

Legal strategies were central to the women's movement and other social movements that began "organizing for change" in western democracies during the 1960s (Adamson, Briskin, and McPhail 1988). Since then, Canadian feminists have achieved a considerable reputation worldwide for having set in motion processes that ultimately effected "progressive" social change in their country. They challenged the paternalism of welfare state law, policy, and language and made the personal political in the realms of physical and sexual assault, sexual harassment, and domestic labour. During the early 1980s, feminists played a key role in entrenching strong sex equality guarantees in the *Canadian Charter of Rights and Freedoms*. Subsequently, they have pushed the limits of these guarantees in a manner that surpasses the jurisprudence in most other countries. Feminism may never have been "fashionable" (Coward 1999, 105), but it has produced some significant results.

While their assessments of the impact of reforms vary, many contemporary feminists share a fear that legal and policy reforms that have been achieved through significant struggle are in danger. Women are "running hard to stand still" (Mossman 1994; Smart 1986) or even losing ground that has been hard won (Boyd 1997; Cossman and Fudge 2002). Moreover, the reforms have not benefited all women equally – their impact has varied depending on a woman's race, class, (dis)ability, or age. It seems clear, therefore, that feminists who want to maintain and build on past achievements in the face of concerted opposition must confront challenges to, and critiques of, the women's movement as well as broader political and economic forces such as neo-conservatism and neo-liberalism.

In Canada, as in other Western countries, increasingly negative assessments of the impact of second-wave feminism and other social movements such as anti-racism emerged with the ascendancy of neo-liberalism during the late twentieth century. In her book of the same name, Susan Faludi (1991) famously described this reaction and resistance to feminism as

"backlash."<sup>1</sup> Troublingly, the recent critiques of feminism have emanated not only from the anti-feminists described by Lorna Erwin (1993), Erin Steuter (1992), and Veronica Strong-Boag (1996) but also from self-identified "liberated women" or former, "dissident," or "faux feminists," including Canadians such as Donna Laframboise (1996) (see also Sommers 1994).<sup>2</sup>

Several pervasive narratives characterize the so-called backlash against feminism in contemporary culture. One story tells us that far from helping women, feminism has made their lives worse by luring them out of "their proper sphere" into paid employment, thereby generating any number of social problems from family breakdown to youth crime (Parton 1991, A5; Howard and Tarrant 1997). Another story tells us that feminism has achieved its purpose and outlived its usefulness. Women have, it is suggested, now achieved equality with men, and we have entered an era of post-feminism (Paglia 1994; Roiphe 1993; Sommers 1994). A third, and related, narrative informs us that women and other subordinated groups have received *more* than is their due. It is time, therefore, to restore balance by attending to other casualties of social change (that is, white men) who have been denied or ignored because of the disproportionate attention feminism has demanded and received for "women's issues" (Laframboise 1996; Sommers 2000; Nathanson and Young 2001, 2006).

These narratives fly in the face of extensive evidence that no fundamental social transformation in liberal democracies has been achieved since the 1960s, despite the extensive feminist engagement with law and policy in an effort to ensure that they respond to the needs of women and other subordinated groups. On the contrary, the gap between advantaged and disadvantaged has actually widened with the dismantling of Keynesian states and the growing hegemony of neo-liberalism (Bakker 1996; Boyd 1997; Kingfisher 2002; Brodie 2002; Cossman and Fudge 2002). Moreover, although some women have achieved success in various fields, many more have not, notably those disadvantaged by class, race, and disability. Yet the feminist counter-narratives showing that equality is still far from a reality for most women, and that women's movements are needed now more than ever, have considerably less resonance in the current context.

The overarching question addressed by the contributors to this volume is "why?" More specifically, why do the negative assessments of feminism, which are at odds with the still challenging realities of most women's lives in the twenty-first century, seem so compelling in contemporary neo-liberal and neo-conservative states? To what extent does Faludi's concept of backlash accurately capture or frame reaction and resistance to feminism since the 1960s? Were feminists and pro-feminists ever consistent agenda setters on legal and policy issues? If not, what explains the seemingly widespread perception that they were (and are)? If so, when and how have they exerted their agenda-setting influence?

These questions formed a common point of departure for this book's authors. Our goal is to critically assess the validity of the backlash narratives through case studies that explore the extent of feminist influence on law and policy during a period of social (re)formation. Our shared focus is on the responses to, and the outcomes of, feminist engagement in various sites of struggle during the late twentieth and/or early twenty-first centuries in Canada. Much contemporary discussion of backlash in the literature as well as in popular culture is based on individuals' personal accounts, for example, the backlash against Sunera Thobani (2002) after her post-9/11 speeches or accounts of backlash against individuals such as former Supreme Court of Canada justice Claire L'Heureux-Dubé (Lessard 2004a; McIntyre 2004; Backhouse 2003). Backlash is also often analyzed within discrete institutional sites such as the family, law, universities, or the media. This volume adds another dimension by examining the relationship between feminism, law, and social change in different sites over time, with the aim of deepening the understanding of how feminism as a political force is currently positioned and portrayed.

Accordingly, all of the authors interrogate the concept of backlash and investigate the extent to which backlash narratives have fueled reaction and, perhaps more importantly, resistance to feminist attempts to shape Canadian law and policy. Some (Susan Boyd and Claire Young, Dorothy Chunn, Hester Lessard, and Wanda Wiegers) take a longitudinal approach, starting from 1967 when the Royal Commission on the Status of Women in Canada (1970) was established. Others (Claire Young and Susan Boyd, Robert Menzies, Sunera Thobani, and Lise Gotell) focus their analyses on the late twentieth century and into the new millennium. Some examine competing conceptions and perceptions of feminism, law, and social change held by feminists/women and their critics in areas of law and policy such as child custody, child support, sexual harassment, and sexual assault, where feminist-inspired reforms have generated considerable controversy in both academic and popular culture. Others focus on the role of feminists and the relationship of feminism to the struggles of other social movements (for example, anti-racist, gay/lesbian, and anti-poverty) and counter-movements such as the anti-Muslim, pro-family, and fathers' rights movements.

Although their substantive exemplars are diverse, the contributors address similar questions about how legal and policy changes, or proposed changes, have been perceived and (re)presented over time in a number of institutional sites – courts, legislatures, the academy, mainstream media, and the Internet. What emerges is a longitudinal picture of socio-legal reform and social change that is in a number of ways more complex, even contradictory, than would be evident in any single study. First, and perhaps most significantly, it seems clear that some feminist critiques of Faludi's concept of backlash, which we discuss later in this chapter, have merit. This

4 Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard

book demonstrates that reaction and resistance to feminism are neither homogeneous nor identical across all institutions and all areas of law and policy. However, our studies also suggest that resistance to feminist-inspired change is manifest in most periods – some more than others – and that a historically and culturally contextualized concept of backlash offers considerable explanatory potential.

Second, the chapters highlight the tangled relationship between reform and social change in liberal states. While they never controlled the agenda-setting process, feminists have been active and influential to varying degrees in proposing and shaping socio-legal reforms from the 1960s to the present. However, the broader social and economic forces represented by neo-conservatism and neo-liberalism have an important mediating influence on the impact that feminism can achieve. Many law reforms that were inspired by feminism proceeded during a period that witnessed the rise of neo-liberalism and privatization, accompanied by a renewed emphasis on the rational liberal individual, choice, contract, and individual responsibility. This neo-liberal individual ostensibly has no gender, and, as a result, social justice initiatives for women can be jettisoned. What this really means is that men's still more dominant positions are empowered to some degree, while women's interests are rendered increasingly invisible. As Robert Connell (2005, 1815) has argued, although explicit backlash movements may not generally have had a great deal of influence, neo-liberalism has been very important in defending gender inequality.

In this introductory chapter, we preface the discussion of our general findings about resistance and reform with a review of the feminist debates and critiques of the "backlash" construct. We then expand upon the book's themes of social change, resistance, and reform by discussing the respective relationships between, first, resistance and social change and, second, reform and social change. The section on resistance and social change highlights the heterogeneous character of feminism and other social movements, the complexity of their relations with counter-movements, and, importantly, the tensions and resonances between these various movements and the larger currents of neo-conservatism and neo-liberalism. The section on reform and social change shifts focus from intra- and inter-group politics to the nexus between feminist political activism and law and policy reform and demonstrates that the strategic implications for feminism of engaging in law and policy discourses are complex and often impossible to predict. We conclude by outlining the book's organization and briefly identifying what the research studies in this book reveal.

### **The "Backlash" Debates**

Canadian feminists identified the phenomenon of backlash at least as early as the 1980s (for example, Wilson 1982, 129-30). However, American

author Susan Faludi (1991) popularized the concept in her widely read book describing and analyzing what she characterized as a "flare up" of "fear and loathing of feminism" in America during the 1980s (xix). In Faludi's view, pervasive misogyny has always been present as a background feature in America. However, she posits that this generalized misogyny takes the much more virulent and acute form of a backlash at those historical junctures when women are poised to make real gains in social and political life (46). Furthermore, despite an unending array of different forms and expressions, the fundamental direction of the backlash is monotonously consistent across time: "to push women back into their 'acceptable' roles – whether as Daddy's girl or fluttery romantic, active nester or passive love object" (xxii). Faludi refers to numerous ways in which women's social and political power seemed to be consolidating and expanding in early 1980s America – for example, the development for the first time of a voting gap between women and men (61) – and argues that these and other real or imagined gains sparked a version of the masculinity crisis that returns with each backlash.

Faludi believes in progress but suggests that "American women's progress might look more like a corkscrew tilted slightly to one side, its loops inching closer to the line of freedom with the passage of time" (46-47). The turns of the spiral represent the ebb and flow of progress and backlash. Faludi posits that there have been four such turns in America, starting with the mid-nineteenth-century struggles for women's rights and ending with the gains achieved by the 1970s women's movement "on the twin fronts of employment and fertility" (55). For these reasons, we ended up with the backlash in the 1980s.

Sylvia Walby (1997) endorses Faludi's overarching view of historical progress towards women's full equality and the periodic eruption of backlash – at least at a general level. For Walby, it is crucially important to give more prominence to the "historical significance of backlash" (165). Otherwise, the intermittent nature of feminism's successes tends to be blamed on feminists themselves. Walby canvasses the various explanations for the demise of first-wave feminism in the late nineteenth and early twentieth centuries: that the feminist movement was badly organized and bitterly divided or that key activists sold out or were co-opted. In addition, she points out that by far the most common explanation for the disappearance of first-wave feminism is its success, namely that the movement disbanded because it had achieved its objectives (159-61). All such accounts, she argues, distort history by failing to give proper weight to, if not erasing, the ferocious attacks that stopped first-wave feminism in its tracks and drove it underground.

The scholarly silences around anti-feminist crusades also concern Veronica Strong-Boag (1996). Writing in a Canadian context, Strong-Boag

observes that “attacks on feminism have so far received relatively little scholarly attention” (3). She starts the “substantial task” of filling the gap by comparing two generations of English-Canadian misogynists, the first-wave anti-feminists of the Victorian era and the late-twentieth-century crusaders for patriarchy. Strong-Boag finds, like Faludi, that the anti-feminist backlash at these two different historical junctures takes the form of a masculinity crisis. As she puts it, “[d]isorderly women threaten the male identity, rendering it essentially problematic, and thus undermine the foundations of civil society” (6). Indeed, her two generations of anti-feminists adhere to essentially the same patriarchal vision of naturally dependent and therefore subordinate women performing reproductive roles within the domestic sphere. The main difference is that where the earlier generation saw a feminist threat to that vision on the horizon, their successors warn that “powerful feminist agitators” are poised to take over and destroy “patriarchal civilization” (21).

The historical consistency portrayed by Faludi and Strong-Boag is, however, disputed by Walby on one front, specifically, Faludi’s assumption that the content of backlash is essentially unvaried across different jurisdictions. Although Walby (1997, 156) asserts that feminism has enough commonality across differences of “nation, ethnic group, social class, and time” to be declared a “continuing tradition,” she argues that one must be attentive nonetheless to significant differences in experience. By comparing UK and US experiences of backlash against feminism in the 1980s, she refutes Faludi’s argument that those experiences have been essentially similar (163-64). In the United States, the impetus fueling backlash may have been a version of private patriarchy, namely a desire to “get women back in the home” and into primarily unpaid reproductive roles. In the United Kingdom, on the other hand, resistance more often took the form of public patriarchy, namely the slashing of welfare regimes predominantly used by women, accompanied by the encouragement of women to engage in paid work but on significantly more disadvantageous terms than men (164). Adding another layer of nuance, Lynne Segal (1999) suggests that a dichotomous, class-based approach may actually have been operating, under which some (usually more affluent) women were encouraged to take up full-time reproductive work while others (typically mothers on social assistance) were pushed into paid work or exhorted to marry the fathers of their children. The studies in this book demonstrate that both models are present in the Canadian context (Wiegers, this volume; Menzies, this volume).

Walby’s arguments for retaining the backlash metaphor while remaining sensitive to historical, social, and cultural complexities are rooted in a commitment to taking seriously both women’s history and patriarchal power. Walby explicitly engages with the assumptions about gender, history, and power that remain submerged or under-theorized in Faludi’s book.

Indeed, much of the scholarly work done by feminists on backlash at some point engages with the question of the relationship between backlash and the wider patterns of power and privilege. For example, in their study of what they term “organized anti-feminism” or “countermovements,” Janet Saltzman Chafetz and Anthony Gary Dworkin (1987, 35) assert that “countermovements are *proinstitutional* in character, that is, supportive of the establishment and the status quo or status quo ante.” Writing at a later date, Ann E. Cudd (2002) grapples more directly with the challenge of distinguishing between progressive and reactionary social movements in order to sort out which perspective represents social change and which represents backlash. Cudd employs the concept of oppression to do this sorting much in the way Walby uses the concept of patriarchal power. By mapping historical struggles onto a relatively stable set of power relations, both Cudd and Walby can then make the argument that backlash – the conservative, reactionary side of the power struggle – needs to be closely examined and theorized by feminists.

Other feminists are less convinced of the usefulness of the backlash metaphor. Some urge a much more cautious and limited use while others reject it altogether, finding it dangerous and disempowering. Janice Newson (1993, 93), for example, wants to “eliminate the use of the word ‘backlash’ as a metaphorical account of resistance and opposition to women’s efforts to advance in society.” She takes aim at the way in which the metaphor disempowers women, forcing us to construct ourselves as victims, without agency, caught up in the forces of history, and to defend the “ground which we have already won” rather than staying focused on our own forward motion and agency (96). Like Walby, Cudd, and Strong-Boag, Newson takes seriously the notion that history reflects a long struggle between women’s demands for equality and patriarchal resistance, but she finds that the backlash metaphor simplifies the relation between progress and resistance, with disastrous consequences for women. Not only does a focus on backlash distract women from their own momentum and allow the terms of struggle to be set by the forces of patriarchal conservatism, but it also constructs social relations that privilege “male power and male authority” as the “regime of rationality” (94; see also Smith 1992, 208). In a similar vein, Hester Lessard (1999) analyzes the way in which the backlash metaphor reinforces the “regime of rationality” within the legal discourse of sexual assault.

Parminder Bhachu (1997), like Newson, objects to the “victimology” underlying the backlash metaphor. However, whereas Newson focuses on how the implicit construction of women as victims shapes the flows of power between women and men to the detriment of women, Bhachu sees the backlash metaphor as part of the “cultural and symbolic economies” of dominant, white, Western feminisms (187). The flows of power between

dominant and marginalized feminisms are her main concern. Bhachu acknowledges that the “victimology” agenda has produced much valuable work on the various dimensions of cultural, social, and economic oppression experienced by women of colour and, in particular, by the British-Asian women who are the subject of her study. However, she argues forcefully that certain vigilant “feminist gatekeepers” of simplistic models of patriarchal oppression have never provided space for the multiplicity of agencies and innovative production of new cultural forms by diasporic Asian women (189). In this volume, Sunera Thobani offers a similar critique of the ways in which the concept of backlash fails to explain the anti-Islamism that dominates print media reporting in Canada of the 9/11 events and the subsequent “war on terrorism.”

Bhachu’s general claim concerning the exclusionary impacts of the backlash metaphor finds some support in a study by Mary Hawkesworth (1997), who wants to complicate the “feminist” part of the backlash equation by recognizing that there are a multiplicity of feminisms, while leaving the metaphor itself unexamined. To this extent, her project fits with Walby’s goal of illuminating the multiplicity of patriarchies. Both aim to bring a more nuanced and complex understanding of historical, cultural, and social diversity to the overly simplified, but otherwise useful, backlash narrative. In canvassing a range of feminist views on a purported backlash against affirmative action in America, Hawkesworth observes that from the black feminist standpoint, there is no backlash. Rather, “[w]hat appears so clearly to be ‘backlash’ from a white feminist standpoint surfaces within this [black feminist] frame as perpetuation and consolidation of white privilege, a prophylactic against any systemic gains for African Americans” (146).

The objections to the backlash metaphor raised by Newson, Bhachu, and the American feminists of colour referred to by Hawkesworth, as well as Thobani (this volume), are reiterated and developed into a broader critique by Davina Cooper (1997) in her study of the efforts of the New Christian Right in Britain in the late 1980s and 1990s to re-insert Christianity at the centre of what it viewed to be a secular, multicultural school system. Echoing Newson, she observes that “fixating on backlash can lead to a political activism obsessed with the forces of reaction” (57). In addition, she analyzes two significant distortions generated by the backlash narrative of historical change. The first is the implication that conservative forces draw resources from some source external to their engagement with progressive forces (54). Cooper counters that typically both progressive and conservative forces draw resources from each other.<sup>3</sup> The second distortion is the implication that the opposing forces of change and resistance that constitute the backlash paradigm are primarily, if not exclusively, motivated by a competition with each other for dominance. In other words, the backlash narrative, with its lock step, “push me pull you”

account of social change, misrepresents the complexity of political motivation. Cooper argues for a more contingent, complicated, and open-ended understanding of political motivation "as a discursive effect of a complex range of ongoing socio-economic, cultural, and political processes" (55).

Cooper's critique of the backlash metaphor is rooted in a more fundamental quarrel with the assumption that historical change unfolds in a three-part chronological sequence: a period of equilibrium, followed by a period of disruption during which radical forces triumph in certain areas, and ending with the backlash period during which reactionary forces mobilize against the perceived imbalance. This model of change tends to reinforce a liberal dislike of radicalism that is typically cast in the language of the threat to democracy and rule of law posed by political agendas that move too fast and stray too far from popular consensus (56). Working within a post-Foucauldian understanding of power, Cooper is uncomfortable with an account of social change that "deploys a zero-sum notion of power, emphasizes agency, and depicts history as periods of reaction parasitically contingent on epochs of change" (45). The strategic dangers for progressive social movements that attend an uncritical reliance on the backlash framework include not only allowing conservative forces to set the terms and boundaries of political struggle but also failing to realize that a more complex set of social processes may overtake or render those forces irrelevant (54 and 57).

Didi Herman (1997) launches a similar critique of backlash in her study of the anti-gay and lesbian politics of the Christian Right in America, rejecting the backlash construct on both theoretical and strategic grounds. Perhaps referring to Faludi's tilted corkscrew image of American women's progress towards freedom, Herman asserts that "it may be more useful to conceptualize social movements as fluid, dynamic, contradictory, and contingent rather than simply as forces meeting counterforces in the evolutionary spiral for supremacy" (66). Herman, like Newson and Bhachu, is impatient with the simplifications of the victim/perpetrator dyad that fuels the backlash story, arguing that the lesbian and gay movement can just as easily be portrayed as the force that is reacting against heterosexual dominance and the Christian Right as the "establishment 'victim'" (65). Just as Bhachu argues that the assigned role of victim to women elides agency and differences among women, Herman argues that the assigned role of perpetrator elides the extent to which the Christian Right is "riven with a matrix of fissures" (66). Furthermore, Herman observes that the Christian Right can be seen as "progressive" in its aims, seeking to shift society towards a utopian future – the reign of Christ on Earth rather than the return to a golden age (66 and 69). Like Cooper, Herman is deeply concerned by the strategic missteps that flow from the over-simplifications underpinning the backlash construct, in particular, the failure to assess

accurately the breadth and strength of a movement such as the Christian Right.

The rejection by these authors of the backlash construct is rooted in their theoretical commitments to a Foucauldian-derived conception of power as dispersed, decentred, fluid, and relational. In contrast, Chafetz and Dworkin, Walby, Strong-Boag, Newson, and Cudd all rely in varying degrees on a view of power as omnipotent and unidimensional and as centred in patriarchy or in state or civil society institutions. Indeed, one of Cudd's main points is that the backlash construct makes no sense *unless* it is understood against the backdrop of structural relations of power. Cooper and Herman turn that observation on its head, arguing that *because* the backlash construct is grounded in an assumption that power is reducible to its location in a set of institutions or social groups it is unreliable – even dangerous – as a strategic tool.

In short, significant differences in the theoretical understandings that frame the feminist work on the backlash construct account for some of the disagreements about its utility. However, with the exception of Cudd, whose work explores the conceptual fit between backlash and other better-established theoretical concepts within liberal theory, their insights into the strategic advantages and disadvantages of viewing anti-feminism and anti-gay/lesbian forces through the lens of backlash are not irreconcilable. Walby and Strong-Boag's view that a complex understanding of backlash can be used to correct some of the distortions of mainstream historians is not inconsistent with Newson, Bhachu, Hawkesworth, Cooper, and Herman's view that the backlash construct itself perpetuates its own set of distortions. Indeed, most of these writers argue, at some level, that feminist and gay/lesbian activists need to place strategic considerations within a more nuanced, multi-dimensional account of social struggles and change. This book provides support for their argument.

### **Resistance and Social Change**

On the one hand, the research in this volume presents a collective challenge to Faludi's (1991) overly simplistic conceptualization of backlash. The see-saw image of a linear trajectory of feminist success followed by the reversal of earlier achievements does not accurately encapsulate the reception and impact of second-wave feminist attempts to effect social change in Canadian law and policy (Lessard, this volume). On the contrary, the various studies indicate that the resistance to change that was demanded – and, more importantly, achieved in some measure – by social movements is an inevitable and ongoing part of the political culture in liberal states. It is not a phenomenon that emerges full-blown at particular points in time, albeit the intensity of the resistance is greater at some moments than it is at others. Moreover, the processes of change and resistance are much

more complex and overlapping than the Faludi-inspired imagery and rhetoric of backlash suggests.

On the other hand, our research studies do not provide unequivocal evidence in support of the argument that feminists should abandon backlash as a conceptual tool. Rather, they are in accord with the more complicated conceptions of backlash elaborated by Walby (1997) and others, namely that resistance to feminism is continuous across time and space but is never homogeneous or precisely calibrated within and across all institutional sites and all areas of law and policy. What changes are the context, content, form, and degree of resistance at specific moments and in particular arenas, all of which must be carefully studied. As well, particular attention must be paid to the role of the mainstream media in shaping events into narratives of change and resistance that are intelligible within a restrictive liberal paradigm (Chunn, this volume).

Moreover, viewed retrospectively, second-wave feminism and other 1960s social movements must be contextualized in relation to the (re)formation of welfare liberalism as neo-liberalism during the late twentieth century. Keynesian states, based on post-Second World War affluence and "new" middle classes, created spaces for the development of the 1960s counter-cultures and for historical "underdogs" to make equality claims on the state, which, in turn, contributed to the "liberalization" of law and policy in various areas (Hall et al. 1978; Hall 1980; Brodie, Gavigan, and Jenson 1992). By the early 1970s, the "boom" times were over and the move from the hegemony of welfare liberalism to the hegemony of neo-liberalism was in process (Cossman and Fudge 2002). As in other jurisdictions, the restructuring of the Canadian liberal state has shifted the parameters of debate to the political right (Bashevkin 1998; Brodie 1995). Traditional conservatism has moved to neo-conservatism, as witnessed by the purging of "red Tories" and the integration of a fundamentalist Christian Right component into the new Conservative Party of Canada. Welfare liberalism has shifted to neo-liberalism, as witnessed by the purging of the social/left wing and the integration of the libertarian right component within the Liberal Party. And feminism itself, along with other 1960s social movements, has been weakened by the attacks of anti-feminists, including anti-feminist feminists (Minnich 1998).

That said, historical and cultural influences different from those in the United States and Western Europe have helped to shape a distinctive context for the emergence of second-wave feminism in Canada. Ann Oakley and Juliet Mitchell (1997, xx) argue that, originally, the dominant influences on feminism in Europe were "variously socialist," and, therefore, the emphasis was on women within class systems and on the women's liberation movement rather than on feminism. In contrast, because the United States after McCarthyism was "innocent of a widespread socialist

tradition," feminists emphasized power rather than class, and the history of (second-wave) feminism "was of women first and foremost, irrespective of other political practices" (*ibid.*). Moreover, according to Oakley and Mitchell, "the American feminist focus on power ... enabled a right-wing free-market feminism to prosper in a way that has not been possible ... in Europe. This means that something antagonistic to women, [as] a political or social group, can lurk within the very walls that frame the feminist appeal" (*ibid.* and xxi; see also Walters 1997).

During the late twentieth century, socialist ideas and practices had more legitimacy and political space in Canada than in the United States, though less than in Western Europe. Mediated by a materialist sensibility, the liberal and radical feminisms developed by US feminists exerted a somewhat more muted influence on (Anglo)-Canadian feminism. Moreover, the women's movement followed a different trajectory of development among francophone feminists in Québec (Belleau 2000). Although second-wave anglophone Canadian feminists (the main focus of this book), like their counterparts in other Western countries, placed great emphasis on litigation and legislative reform strategies to achieve equality for women, they developed perspectives that drew on various feminist traditions. They produced variants of radical and liberal feminist theories – result-equality and integrative feminisms – that were more attentive to axes of oppression beyond gender. Likewise, socialist-feminism was more apparent in Canadian feminist legal work than in American (Boyd and Sheehy 1986; Bouchard, Boyd, and Sheehy 1999; Chunn and Lacombe 2000), which was likely due to the strength of political economy scholarship in Canada (for example, Maroney and Luxton 1987). Arguably, then, these multiple influences on Canadian feminism left less room for the development of right-wing feminisms than in the United States. That said, Canadian critics of feminism (for example, Laframboise 1996; Nathanson and Young 2001, 2006) often invoke the work of American feminists who denounce feminism (for example, Paglia 1994; Roiphe 1993; Sommers 1994).

Despite the different national strands of feminism, the most influential second-wave feminisms in both institutional and public cultures have primarily reflected the experiences of middle-class, white, heterosexual, able-bodied women. Moreover, liberal feminists early became established in the eyes of the public as spokeswomen of the Canadian women's liberation movement (Adamson, Briskin, and McPhail 1988, 54). Some feminists have always addressed the linkages between gender inequality and other structured inequalities related to class and, increasingly, to race, disability, and sexual orientation. Attention to differences among women also characterizes identity politics literature, and feminist post-structuralist and post-modern theorists have delineated the "inessential woman" (Spelman 1988). However, these feminisms have been influential primarily within academic

and some grassroots activist venues and far less visible in the courts, legislatures, media, and the administrative and organizational structures of the academy itself. As a result, resistance to feminism often actually represents resistance to a particular strand of feminism.

In Canada, neo-conservatism and neo-liberalism form a key part of the context, and have constituted ongoing sources, of resistance to feminism and other social movements – those “conscious, collective, organized attempt[s]” to bring about large-scale change in the social order that came out of the 1960s liberalization (Steuter 1992, 289).<sup>4</sup> The co-existence of competing world views and the relationship of each to the others – the tensions and (at times) congruities between these relationships and the possibilities and difficulties posed by them – are important considerations in the analysis of backlash (Cossman 2002). At times, neo-conservatism and neo-liberalism have spawned counter-movements to feminism such as the pro-family and fathers’ rights movements that are “conscious, collective organized attempts[s] to resist or reverse social change” (Steuter 1992, 289; see also Boyd and Young, this volume). With the development of the Internet, anti-feminist counter-movements have begun to exist in both material and virtual form (Menzies, this volume).

It is, however, vital to keep in mind that none of these world views is internally homogeneous. Neo-conservatism, neo-liberalism, and feminism all incorporate a range of positions. Not surprisingly, then, points of contention as well as consensus *among* adherents of the three world views have significantly shaped the context in which resistance to feminism has played out. For instance, Lorna Erwin’s (1993, 414) study of the pro-family movement during the 1980s revealed not only the expected consensus on sexual, reproductive, and family issues but also that many “ordinary” members held economic and political attitudes that seemed “somewhat more liberal than those of Canadians generally.” It was these attitudes, presumably, that generated internal resistance when some leaders began to argue for shifting the movement’s emphasis to fiscal restraint and cutbacks in social services (414 and 417). Similarly, differences between more and less libertarian neo-liberals (Walker 1988; Chrétien 1992) and among feminists themselves (Wiegers, Thobani, and Chunn, this volume) were important in framing reaction and resistance to second-wave feminism.

The tensions and congruities between neo-conservatism, neo-liberalism, and feminism are evident in the contested nature of language. Since the 1960s, discursive struggles have emerged over the meaning of a whole series of key words and concepts – equality, rights, consent, choice, same-ness, difference, family, marriage, children, responsibility, poverty, community, nationhood, citizenship, security, and privacy. This contestation makes it possible for feminists, progressive activists, neo-conservatives, and neo-liberals to use the same language to argue for very different purposes.

For example, during the early 1990s, the Conservative government in Alberta (mis)appropriated oppositional and progressive discourses on "family," "community," and "responsibility" (for example, as developed by First Nations) in order to promote regressive, privatizing policies in relation to the delivery of child welfare (Kline 1997). As well, the neo-liberal language of responsibilization has filtered and shaped in unanticipated ways feminist efforts to contextualize the malleable language of choice and consent in the arena of heterosexual relations and sexual assault law (Gotell, this volume). Likewise, discursive contestation means that groups may take seemingly similar positions on an issue for very different political purposes. In *R. v. Butler*, for example, both the feminist group the Women's Legal Education and Action Fund and governments sought to uphold the criminalization of pornography – the former because of concerns about substantive equality and the latter in order to preserve a virtuous social order. However, both were inattentive to the impact of pornography regulation on non-normative sexualities (Cossman, Bell, Gotell, and Ross 1997).

Indeed, a discursive shift marked the increasing hegemony of neo-liberalism during the 1990s as the adherents to all three world views began to use the language of choice, rights, equality, and fairness. This convergence made it increasingly difficult to differentiate between feminist rights discourse and (neo)-liberal discourse (Hough 1994) and more challenging for feminists to refute neo-liberal/neo-conservative arguments and critiques (Steuter 1992). As feminist Susan Cole (1987, 35, cited in Steuter 1992, 302) observed after a public debate with Gwen Landolt, then president of Realistic, Equal, Active for Life (REAL) Women, the pro-family movement was beginning to speak about women's *choice* either to stay home or to engage in paid employment: "Never once did she say women were naturally suited to the role of housewife and men born to run the world. She never sided with God. Her vision, at least the one she revealed on the podium, did not have any of the fundamentalist fervour we tend to associate with the right wing."

Other examples abound. Fathers' rights advocates have been particularly adept at borrowing from the feminist language of rights and equality in the realm of family law reform (Boyd 2004). Equality for Gays and Lesbians Everywhere (EGALE) has used neo-liberal arguments and discourse ("sameness," "choice," "(formal) equality") when arguing for equal treatment of same-sex partners (Young and Boyd, this volume). As a result, feminism has often appeared to be nowhere in sight in these debates, other than as a caricature of claims for special treatment of women or men-hating, anti-family lesbians. Less affluent lesbians and women who are disadvantaged by same-sex common law and marriage recognition, for example, are typically absent in these caricatures and disappear from public view.

Not surprisingly, then, an ascendant neo-liberalism has made it difficult for feminists to keep substantive equality on the public agenda or to prevent their advocacy of substantive equality from being attacked as a request for special treatment (Boyd 2004; Chunn, this volume). Feminist concern with race, sexuality, and other factors leading to marginalization has led increasingly to a portrayal of feminism as unrepresentative of the "mainstream" ("Getting the NAC" 1996; Laframboise 1996, 145-57), even as it struggled to become more representative of women generally. Researchers have also noted an increasing erasure of women's specificity and feminist analysis from public culture and from public debates on topics such as same-sex marriage (Young and Boyd, this volume); child poverty (Wiegers, this volume); sexual assault (Gotell, this volume); and child custody (Boyd and Young, this volume).

Resistance to feminism does not always, however, take the form of a monolithic rejection and dismissal of the movement for women's equality. Not all feminists and feminisms are condemned by counter-movements such as fathers' rights or dissident feminism (Boyd 2004). In fact, an ongoing dichotomization can be detected between "good" and "bad" feminists, as various chapters in this book show, and the relationship between these two constructions goes some way towards explaining which feminisms achieve a public voice and which are discredited (Chunn, this volume; Thobani, this volume). Our authors also explore the construction of good and bad victims (Gotell, this volume; Lessard, this volume), good and bad poor people (Wiegers, this volume), good and bad mothers (Boyd and Young, this volume), and good and bad lesbians and gay men (Young and Boyd, this volume). For example, it has become difficult for gay men and lesbians who do not conform to nuclear family norms, and for feminists who offer a critical analysis of the reinforcement of the nuclear family, to find a voice in the debates on same-sex relationship recognition (Young and Boyd, this volume). Those who embrace the nuclear family form are "heard" in the debates, whereas those who offer a more challenging critique of the status quo or of accepted institutions are either dismissed or choose not to participate, knowing how dichotomous the debate has become.

Our chapters also reveal that certain discourses may prevail in particular arenas but not in others. Parliamentary debates appear to have provided a public forum for neo-conservative resistance to feminism (and to other social movements) during the 1980s and especially the late 1990s and early twenty-first century (Boyd and Young, this volume). Likewise, the Internet has clearly formed a very fertile site for transnational neo-conservative and neo-liberal resistance in the twenty-first century (Menzies, this volume). Meanwhile, universities have provided a public forum for libertarian neo-liberal resistance to feminism during the 1990s (Lessard, this volume). However, whichever discourse finds a home in a particular

site, its impact in another is not predetermined. Despite the increased presence of neo-conservative views on the family in parliamentary debates and committee hearings, law reform responses on the part of the federal government have been more cautious and, arguably, have adopted a neo-liberal approach rather than a neo-conservative one (Boyd and Young, this volume; Young and Boyd, this volume). As well, despite the fact that legislative reforms to sexual assault law have occurred within a neo-liberal context, they have resulted in some positive consequences for complainants in the courts (Gotell, this volume). These insights potentially provide a basis for developing feminist strategies and for choosing the sites upon which to focus in ongoing feminist struggle. Resistance to feminism may be continuous across time and space, but it does not always demonstrate the same intensity or assume the same form across institutions (Chunn, this volume; Walby 1997).

Moreover, in contrast to the cross-national dichotomies drawn by Walby (1997), which we discussed earlier, our studies show that both neo-conservative and neo-liberal trends are relevant in Canada. Socially conservative discourses in Canada clearly are aimed at pushing women back into the home (Menzies, this volume; Young and Boyd, this volume), while neo-liberal interventions emphasize the need to roll back social supports and push women into the labour force as a remedy for social problems such as poverty (for example, Wiegers, this volume). However, neo-liberalism appears to have experienced an easier ascendancy in Canada, in relation to neo-conservatism, although the two are often both identifiable in fields such as family law debates (Cossman 2002; Boyd and Young, this volume). Thus, while Canada has undergone a rightward political shift since the 1960s, (neo)-conservatism, (neo)-liberalism, and feminism have followed different trajectories in this country than they have in either the United States or Western Europe (Bashevkin 1998). For instance, Canadian neo-conservatism does not yet have nearly the force of the American model "with its fusion of a cultural and economic offensive" (Erwin 1993, 417). Likewise, the dominant strand of neo-liberalism in Canada is less libertarian than is its US counterpart. Finally, as noted earlier, Canadian feminism appears to have been somewhat more immune to attack from within than it is in the United States. We turn now to an exploration of feminist initiatives in relation to law reform in Canada and their mixed outcomes.

### **Reform and Social Change**

In addition to tracking the nature of resistance to modern feminism, this book contributes to the now considerable literature and ongoing discussion about feminist strategizing and advocacy in the area of law and social policy. It is, of course, notoriously difficult for outsider groups and social movements to control the direction of social change even when some of

their ideas are embraced. The mixed outcomes of feminist efforts to change legal norms and influence social policy have been well documented, including the tendency for reforms to advantage those women who are already more privileged along lines of race, class, and disability (for example, Kline 1989; Iyer 1997; Mosoff 1997; Razack 1998; Chunn 2006). In most fields, successes such as the wording of the equality provisions of the *Canadian Charter of Rights and Freedoms* or rape law reform have been met by renewed resistance and, often, dilutions of the changes (see, for example, McIntyre 1993; McIntyre, Boyle, Lakeman, and Sheehy 2000).

It is fair to conclude that feminists have never controlled the social change agenda and to observe that social movements such as feminism are not on an equal plane with proponents of hegemonic world views or counter-movements that resonate with conventional ideologies. Yet the tendency to focus on what was not accomplished by feminists, and to forget what was, is problematic. As well, good and bad outcomes of feminist initiatives are not uniform in all arenas, with some producing more success than others. Without focusing on the gains that have been achieved, the accomplishments of earlier generations of feminist activists are downplayed and feminists end up blaming each other for failures (Walby 1997, 160-61).

That said, many chapters in this volume (for example, Lise Gotell's and Hester Lessard's) demonstrate the ambiguity of outcomes arising from resorting to law reform, the courts, and legal solutions to address broader social problems. The limits of law's ability to deal with complex social problems has long been a focus of socio-legal literature, which has often revealed the extent to which social movements have been de-politicized by succumbing to the power of law (Bakan 1997; Smart 1989; Smith 1999). In this volume, Wanda Wiegers shows that even broader social policies on problems such as child poverty can be translated into narrow legal strategies that fail to grapple with the material factors generating the problem. Conversely, Lise Gotell, in Chapter 5, shows how promising reforms to sexual assault law can take on a different meaning in light of the reconfiguration of masculinities and femininities under neo-liberalism. Socio-legal reform, in and of itself, is rarely transformative. Moreover, (feminist) proposals are rarely, if ever, directly translated into law and policy. Research sometimes can, with hindsight, identify the right combination of circumstances that can produce desired law reforms (Coltrane and Hickman 1992), but it is an entirely different matter to predict these circumstances in advance of an initiative. Thus, while it is crucial to watch for those contradictions that produce spaces and moments that are receptive to change, social transformation is not simply a technical matter of devising exactly the right strategy to achieve equality.

In short, reform is a political process that is mediated by the way discourses enter a particular forum, get filtered, digested, and discussed, often

becoming estranged in the process from the context in which they were initially formed. Unanticipated and unwanted consequences of reform initiatives are therefore inevitable. For instance, the tendency to treat violence against women as a criminal rather than a civil matter, even in the family law realm, which in turn requires a more difficult burden of proof for women complaining of violence, was clearly not a reform outcome that feminists working on violence against women sought or expected. Moreover, even reforms that appear to respond to feminist concerns can produce problematic, unintended side effects (as with child support reforms generating a review of child custody law that was motivated by fathers' rights: Boyd and Young, this volume) or be diminished by their own terms (Fineman 1983; Mossman 1994) or by other developments (Boyd and Young 2004). Similarly, the pursuit of reforms such as harassment policies by feminists seeking to challenge systemic sexism in the workplace has been overtaken in some contexts by managerial imperatives aimed at suppressing workplace sexuality in the name of enhancing productivity and professionalism (Schulz 2003).

Undesirable outcomes also can occur when reforms that are advocated in one context (for example, liberalization) are ultimately implemented in another context (for example, neo-liberalism). Thus, the drive by the campus women's movement in the 1970s and 1980s to implement harassment regimes at universities must now be assessed in the context of the impact of the neo-liberal agenda, not only on universities but also on human rights regimes more generally (Lessard, this volume). Feminists may therefore be blamed for the perceived failures of a reform, whereas the failure is actually produced by the socio-economic conditions within which it operates. A classic example in this regard is the blaming of feminist advocates of family law reform for the high rates of poverty experienced by female-headed lone parent households and for the degeneration of the "fatherless" neighbourhoods in which they live (Richards 1997, 202-13).

It is also the case that reform successes and failures are not uniform. There are differences (and contradictions) between what is happening in various institutional sites and the forms of discourse being used at any given time. Thus, social movement activists have had greater success using equality rights arguments in some sites and with some issues as opposed to others. The Supreme Court of Canada has displayed a greater willingness to respond positively to claims for recognition rather than redistribution (Fudge 2001, 341). As well, formal equality and claims for equal treatment with another similar group have obtained the greatest purchase. The problem is that the formal equality argument tends to be made in reference to another (privileged) group, which, in turn, is reinforced as the standard. In addition, the contextual details of systemic disadvantage and of intersecting dimensions of disadvantage tend to get stripped away in

the face of the analytic imperative to construct claimants as the same as their comparators in all respects save for the identity marker – for example, their femaleness or maleness – which brings them within one of the grounds of discrimination (Lessard 2004b).

Social transformation is difficult under these circumstances. For instance, same-sex relationship recognition is achieved on the same terms as normative heterosexual relationships – that is, on a dyadic marriage model (Young and Boyd, this volume); women achieve rights most successfully when they are able to compare themselves most directly to men (Chunn, this volume; Menzies, this volume), and racialized women are most embraced when they are most similar to non-racialized women (Thobani, this volume). Law reform debates are thus all too often framed in a way that excludes a more radical analysis that challenges the norm. Even those who resist feminist arguments, such as neo-conservatives who reject same-sex marriage, endorse a formal equality argument. For instance, because same-sex relationships are *not* the same as opposite-sex relationships, the law should treat them differently. Moreover, at times, neo-conservatives use a rights-based argument focused on children to shore up their position, asserting that since same-sex couples cannot *really* be married in the traditional sense, all things being equal, children have the right to two heterosexual parents (Young and Boyd, this volume).

Feminists are not, of course, unaware of the difficulties of presenting their positions within the (neo)-liberal paradigm. Some have tried to adapt their arguments to avoid backlash, or to fit into the neo-liberal, gender-neutral framework, or to define their positions in terms that adopt some positions of the counter-movements. For instance, feminists working on law reform have sometimes eschewed a gendered, feminist language about mothers' disproportionate responsibility for caregiving and domestic labour, in favour of language that frames the issues in terms of the best interests of children (Boyd 2004, 288) or child poverty (Wiegers, this volume). Feminists have thus at times consciously downplayed or excluded feminist discourse in their efforts to advance particular socio-legal reforms. Moreover, during consultations on same-sex marriage and benefits, some feminists have chosen not to take public positions at all regarding the feminist critique of marriage (Young and Boyd, this volume) in order not to undermine the gay and lesbian lobbyists making the case in favour of same-sex marriage. Similarly, there is often pressure on Black or Aboriginal feminists not to take positions that criticize men or patriarchal relations in their own communities (Koshan 1997; McIvor 2004).

In the context of employment equity, Abigail Bakan and Audrey Kobayashi (2000, 44-45) have observed that public servants entrusted with implementing provincial and federal employment equity policies have deliberately downplayed their enthusiasm for the policies in the face of

what they perceive to be a significant backlash, arguing that any move to improve employment equity will jeopardize reforms already in place. Their study concluded that backlash "is a major factor impeding the progress of employment equity in a number of provinces" (63). These various forms of self-censorship are of great concern, especially during a period when a gendered analysis is notably absent from much state discourse on a wide range of issues from child poverty (Wiegers, this volume) to sexual assault (Gotell, this volume).

This book also addresses the difficulties associated with critiquing concepts such as "backlash" or the "gender wars" without buying into their terms of reference. Focusing on a simplistic notion of backlash in the context of law reform risks reproducing the sense of a battle being waged between equally positioned adversaries on neutral terrain (Chunn, this volume). As Susan Boyd and Claire Young (this volume) show in relation to child custody law reform, the outcome of this construction of a complex debate as a "gender war" between men and women can be that a government may strike a "compromise" between feminist and neo-conservative positions by choosing a position that appears to be halfway in between them. The compromise reform may fail to take account of important feminist arguments regarding, for example, the dangers to women and children of failing to take proper account of violence against women. This approach ignores the power dynamic between the two movements and the fact that the historically disadvantaged group might offer "outsider" knowledge that the law should take into account. Another consequence is the construction of socially privileged perspectives and groups as being victimized or marginalized. For example, the reporting on sexual harassment cases during the 1990s frequently, and problematically, assumed an equality of position and power between the complainants and respondents (Lessard, this volume).

Feminists are not, of course, the only group to find their reform claims translated in unexpected ways – for instance, fathers' rights arguments have been taken up to some degree by Canadian policy makers, but not necessarily in a manner that they intended (Boyd and Young, this volume). In fact, a key finding of our studies is that it is crucial to examine the role of the state in constituting and reshaping these discursive claims. Connell (2005, 1815) has suggested that whereas explicit backlash movements themselves have not generally had a great deal of influence, partly because they constantly exaggerate women's power, neo-liberalism itself is a key movement in the defence of gender *inequality*. Its ostensibly gender-neutral promotion of free market principles, individualism, and the rejection of state control cannot promote social justice in relation to gender. As most studies in this volume show, the larger political context is key to understanding the resistance to feminism and the trajectory of reform initiatives.

Feminists and other progressive social movements must also keep in mind that they are contesting structures of power that often are more receptive to, and supportive of, the discourse of counter-movements. The resistance to feminism manifested by counter-movements such as fathers' rights thus speaks both to the measure of success that feminism has achieved at certain times and places *and* to the power that feminism is confronting. As Chafetz and Dworkin (1987, 33) put it: "A backlash movement is most likely to emerge when the movement against which it is reacting grows relatively large or effective in the pursuit of its goals and therefore comes to be perceived as a substantial threat to material and status interests." These counter-movements may well exist before the social movement they resist, but "they neither fully organize as a countermovement nor develop their ideological scope until after the rise and initial success of the movements they attack" (Steuter 1992, 289). Understanding the relationship between social movements such as feminism, power, and the state is therefore key.

### **Organization of the Book**

The chapters are organized into three clusters, based on various sites of discursive struggle. The first part examines media representations of feminism, anti-racism, and their counter-movements. In "Take It Easy Girls": Feminism, Equality, and Social Change in the Media," Dorothy Chunn presents a thematic content analysis of how mainstream, English-language newspapers have depicted feminist perspectives on equality/equity in the "public" realm over a thirty-two-year period. She argues that conceptions of equality have been framed consistently within the confines of hegemonic liberal ideas and assumptions. Thus, feminist perspectives on equality have been (re)presented in very selective and homogenizing ways with certain voices included and others – notably those of racialized feminists in Canada – marginalized or absent. She also concludes that resistance to feminism has been omnipresent, albeit the precise content and degree of resistance has shifted with the impact of neo-liberal restructuring. Overall, then, feminists have been neither "agenda setters" nor "primary definers" (Hall et al. 1978) of the equality issues covered by the print media in late-twentieth-century Canada.

Robert Menzies tackles another form of media – the brave new world of men's rights Web pages – in "Virtual Backlash: Representations of Men's 'Rights' and Feminist 'Wrongs' in Cyberspace." He documents remarkably virulent examples of anti-feminist content, suggesting that far from being irrelevant, these cyber-discourses can play a role in shaping the contemporary status of feminism. Indeed, many themes identified by Menzies are reflected in other studies in this volume. As a result, feminists ignore cyberspace as a site of struggle at our peril. For example, many of the websites

portray feminism as threatening to the nation – a theme that crops up in parliamentary debates on “the family” (Boyd and Young, this volume; Young and Boyd, this volume) as well as in Sunera Thobani’s chapter. Moreover, the threat to the nation is frequently linked to threats to the father-headed patriarchal family as well as to threats to the racialized (white) character of the nation. This chapter also serves as the most comprehensive review of anti-feminist discourses and literature in the book.

In “Imperial Longings, Feminist Responses: Print Media and the Imagining of Nationhood after 9/11,” Sunera Thobani challenges Faludi’s concept of backlash in the context of the representation in mainstream print media of Muslim men and women post-9/11, during the period when the “war on terrorism” began. Resisting any notion that backlash is sufficient to understand the racialized and gendered contours of these representations, Thobani suggests instead that the post-9/11 reporting played a role in reconstituting Canadian nationhood as “Western” in its essence and, therefore, as imperiled by the nation’s others: immigrants and refugees. Read alongside the men’s rights notion that feminism imperils the nation (Menzies, this volume), this theme points to the xenophobic anxieties of those who resist change to imperialist and patriarchal norms. Importantly, Thobani illuminates the construction of Muslim women as hapless victims and unwitting accomplices of hyper-patriarchal Muslim men. The portrayal of Muslim women as being in need of rescue by the West deflects attention from the ongoing misogyny and sexism facing women in Canada and thus reinforces the sense that Western feminism is irrelevant.

The second part of the book enters the terrain of sexuality, in which feminist claims often generate (heterosexual) anxiety and resistance. Its two chapters examine trends in the criminal law of sexual assault and the development and operation of sexual harassment policies in universities. Lise Gotell builds on the extensive Canadian feminist literature on sexual assault in “The Discursive Disappearance of Sexualized Violence: Feminist Law Reform, Judicial Resistance, and Neo-Liberal Sexual Citizenship.” Like other feminists, she notes the uneven development of this field of law, with law reforms frequently being met by resistance and *Charter* challenges. However, Gotell places this area of the law squarely in the context of the rise of neo-liberalism, which contributes to the erasure of the gendered context of sexual violence. This framework also allows her to formulate the concept of the “neo-liberal sexual citizen,” who is held responsible for her own safety in a privatized discourse of sexualized violence. The concept of the neo-liberal sexual citizen, while still highly controversial, permits an understanding of some of the successes in recent case law on the admissibility of personal records and consent as well as the specific form of backlash to feminist understandings of sexualized violence

that now occurs when women take complaints of sexual assault into the criminal justice system.

In "Backlash in the Academy: The Evolution of Campus Sexual Harassment Regimes," Hester Lessard explores backlash against feminism in the university context, using the example of the struggle for, and response to, sexual harassment protections at the University of British Columbia, as well as two high-profile sexual harassment claims in British Columbia in the 1990s. Like Thobani, Lessard troubles the traditional narrative of backlash. By placing the story of sexual harassment policies within the broader context of liberalization and, later, of the neo-liberalization of Canadian universities and higher education policy, she complicates the backlash narrative and provides a stronger base for analysis and strategy during a period when human rights regimes were being privatized.

The final part of the book examines law and policy related to family, which constitutes a prime site of backlash discourse. In "Feminism, Fathers' Rights, and Family Catastrophes: Parliamentary Discourses on Post-Separation Parenting, 1966-2003," Susan Boyd and Claire Young document the extent to which fathers' rights and feminist discourses have permeated parliamentary debates on family law in Canada since the first *Divorce Act* was initiated. Their findings challenge the dominant narrative emerging from fathers' rights advocates that feminists have controlled the law reform agenda. In fact, gendered analyses were virtually silenced in government documents on family law reform by the turn of the twenty-first century. At the same time, however, the interests of the neo-liberal state in privatizing social costs coalesced with the arguments that many women's groups made about the economic needs of women and children, and reforms to child support law responded to these state interests as much as they did to feminism. This chapter also paints a more complex picture of backlash, suggesting that fathers' rights discourse might better find its ammunition in state policies rather than in the ostensibly successful feminist initiatives. It also illustrates the superficial nature of law reforms touted as "feminist" and the resistance to incorporating an approach to post-separation parenting law that takes proper account of women's ongoing social responsibility for children.

Wanda Wiegers explores another terrain in which the specificity of women's lives has become invisible in "Child-Centred Advocacy and the Invisibility of Women in Poverty Discourse and Social Policy." Her critical analysis of the shift towards a focus on children in the war against poverty again directs attention to the larger context of the rise of neo-liberalism in Canada, accompanied by state initiatives on restructuring economic responsibilities by emphasizing personal rather than collective responsibility. Although the backlash dynamic is perhaps less obvious in this study, Wiegers shows that the new policies such as child support

guidelines, the National Child Benefit, and the Early Childhood Development Initiative benefit least those who are most disadvantaged – women and children who are reliant on social assistance. Moreover, mother blaming is prevalent along with a pathologizing and infantilization of women on welfare. This study points to the urgency of reconsidering feminist efforts to invoke child-centred strategies in order to advance women's interests.

Finally, in "Challenging Heteronormativity? Reaction and Resistance to the Legal Recognition of Same-Sex Partnerships," Claire Young and Susan Boyd analyze the virtual disappearance of feminist insights on family and marriage in public hearings on same-sex relationship recognition in Canada in the early twenty-first century. The quite remarkable changes in this field of law over a short period of time have certainly generated a clear neo-conservative backlash, but this chapter is more concerned with the ways in which the oppositional framework of the debate has sidelined feminist analysis. Despite the challenge that same-sex marriage brings to socially conservative assumptions about family, society, and nation, the debates have proceeded in a narrow paradigm that reinforces dyadic, nuclear family relationships and erases a history of feminist critical engagement with the family. This study suggests the need for more cross-fertilization between social movements, at least to the extent that the gay and lesbian lobby in Canada has marginalized feminist critique in order to put forward the most persuasive argument.

We hope that this book adds to the extant critical and feminist theorizing about the workings of social movements and counter-movements. Our research provides empirically grounded knowledge that feminists and other social activists can draw on in developing new legal and political strategies for promoting the equality of all women during an era marked by the decline of the welfare state and the ascendancy of a neo-liberal state in Canada. Now more than ever, feminist insights – particularly those that are attentive to questions of race, class, and other key markers of social inequality – need to be conveyed to the public. One insight of our studies is that discursive sites such as the media and the House of Commons tend to privilege particular voices within social movements such as feminism, typically marginalizing the analysis of women of colour, for instance, and privileging the voices of those who fit better within liberal or neo-liberal frameworks. As well, feminists must develop strategies to respond to various components of the anti-feminist movement. Finally, Robert Menzies (2001, 201) has pointed out that feminists must take the men's rights movement seriously because the struggle that it represents, and its resistance to feminism, is fundamentally related to our (in)ability to preserve and advance human rights. Partly for this reason, all social movements need to take anti-feminism seriously because at its root anti-feminism represents "a far deeper conflict over who gets access to the

power structures of contemporary society" (201). Resistance to feminism – in all of its complexities – is thus relevant to all progressive movements for social change.

### Notes

- 1 We have enclosed the word "backlash" in quotation marks here to indicate that we intend to problematize the concept. We will not, however, use quotation marks around the word throughout the book.
- 2 Donna Laframboise (1996, 8) uses the term "dissident" feminists, while Rhonda Hammer (2002, 8) uses "faux feminists" or "pseudofeminists." For critical reviews of this literature, see Elizabeth Minnich (1998) and Robert Menzies (2001).
- 3 Janet Saltzman Chafetz and Anthony Dworkin (1987, 33 and 42), while agreeing generally with the notion that progressive and conservative forces draw resources from one another, suggest that a power imbalance often characterizes this dynamic. Specifically, the backlash or countermovement often is allied with material and status interests.
- 4 Steuter (1992, 290) points out that while feminism clearly is a social movement, "social movements theorists have so long ignored women's struggle for change as an object of research that it is now questionable whether the traditional models for explaining and interpreting social movements can have any validity for the experience of women."

### References

- Adamson, Nancy, Linda Briskin, and Margaret McPhail. 1988. *Feminist Organizing for Change: The Contemporary Women's Movement in Canada*. Toronto: Oxford University Press.
- Backhouse, Constance. 2003. "The Chilly Climate for Women Judges: Reflections on the Backlash from the Ewanchuk Case." *Canadian Journal of Women and the Law* 15(1): 167-93.
- Bakan, Abigail, and Audrey Kobayashi. 2000. *Employment Equity Policy in Canada: A Provincial Comparison*. Ottawa: Status of Women Canada.
- Bakan, Joel. 1997. *Just Words: Constitutional Rights and Social Wrongs*. Toronto: University of Toronto Press.
- Bakker, Isabelle, ed. 1996. *Rethinking Restructuring: Gender and Change in Canada*. Toronto: University of Toronto Press.
- Bashevkin, Sylvia. 1998. *Women on the Defensive: Living through Conservative Times*. Toronto: University of Toronto Press.
- Belleau, Marie-Claire. 2000. "L'intersectionnalité: Feminisms in a Divided World (Québec-Canada)." In Dorothy E. Chun and Dany Lacombe, eds., *Law as a Gendering Practice*, 19-39. Toronto: Oxford University Press.
- Bhachu, Parminder. 1997. "Dangerous Design: Asian Women and the New Landscapes of Fashion." In Ann Oakley and Juliet Mitchell, eds., *Who's Afraid of Feminism: Seeing through the Backlash*, 187-99. New York: New Press.
- Bouchard, Josée, Susan B. Boyd, and Elizabeth A. Sheehy. 1999. "Canadian Feminist Literature on Law: An Annotated Bibliography." *Canadian Journal of Women and the Law* 11(1 and 2): 1-604.
- Boyd, Susan B., ed. 1997. *Challenging the Public/Private Divide: Feminism, Law, and Public Policy*. Toronto: University of Toronto Press.
- . 2004. "Backlash against Feminism: Canadian Custody and Access Reform Debates of the Late Twentieth Century." *Canadian Journal of Women and the Law* 16(2): 255-90.
- Boyd, Susan B., and Elizabeth Sheehy. 1986. "Feminist Perspectives on Law: Canadian Theory and Practice." *Canadian Journal of Women and the Law* 2(1): 1-52.
- Boyd, Susan B., and Claire F.L. Young. 2004. "Feminism, Law, and Public Policy: Family Feuds and Taxing Times." *Osgoode Hall Law Journal* 42(4): 545-82.
- Brodie, Janine. 1995. *Politics on the Margins: Restructuring and the Canadian Woman's Movement*. Halifax: Fernwood Publishing.
- . 2002. "Citizenship and Solidarity: Reflections on the Canadian Way." *Citizenship Studies* 6(4): 377-94.

- Brodie, Janine, Shelley A.M. Gavigan, and Jane Jenson. 1992. *The Politics of Abortion*. Toronto: Oxford University Press.
- Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act 1982*, being Schedule B to the *Canada Act, 1982* (U.K.), 1982, c. 11.
- Chafetz, Janet Saltzman, and Anthony Gary Dworkin. 1987. "In the Face of Threat: Organized Antifeminism in Comparative Perspective." *Gender and Society* 1(1): 33-60.
- Chrétien, Jean, ed. 1992. *Finding Common Ground*. Hull: Voyageur.
- Chunn, Dorothy E. 2006. "Feminism, Law, and 'the Family': Assessing the Reform Legacy." In Elizabeth Comack, ed., *Locating Law: Race/Class/Gender Connections*, 234-72. 2d edition. Halifax: Fernwood Publishing.
- Chunn, Dorothy E., and Dany Lacombe, eds. 2000. *Law as a Gendering Practice*. Toronto: Oxford University Press.
- Cole, Susan. 1987. "On Muffins and Misogyny: REAL Women Get Real." *THIS Magazine* 21(4): 33-36.
- Coltrane, Scott, and Neal Hickman. 1992. "The Rhetoric of Rights and Needs: Moral Discourse in the Reform of Child Custody and Child Support Law." *Social Problems* 39(4): 400-20.
- Connell, Robert W. 2005. "Change among the Gatekeepers: Men, Masculinities, and Gender Equality in the Global Arena." *Signs: Journal of Women in Culture and Society* 30(3): 1801-25.
- Cooper, Davina. 1997. "'At the Expense of Christianity': Backlash Discourse and Moral Panic." In Leslie Roman and Linda Eyre, eds., *Dangerous Territories: Struggles for Difference and Equality in Education*, 43-61. New York: Routledge.
- Cossman, Brenda. 2002. "Family Feuds: Neo-Liberal and Neo-Conservative Visions of the Reparivatization Project." In Brenda Cossman and Judy Fudge, eds., *Privatization, Law, and the Challenge to Feminism*, 169-217. Toronto: University of Toronto Press.
- Cossman, Brenda, and Judy Fudge, eds. 2002. *Privatization, Law, and the Challenge to Feminism*. Toronto: University of Toronto Press.
- Cossman, Brenda, Shannon Bell, Lise Gotell, and Becki Ross. 1997. *Bad Attitude/s on Trial: Pornography, Feminism, and the Butler Decision*. Toronto: University of Toronto Press.
- Coward, Rosalind. 1999. *Sacred Cows: Is Feminism Relevant to the New Millennium?* London: Harper Collins.
- Cudd, Ann E. 2002. "Analyzing Backlash to Progressive Social Movements." In Anita M. Superson and Ann E. Cudd, eds., *Theorizing Backlash: Philosophical Reflections on the Resistance to Feminism*, 3-16. Lanham, MD: Rowman and Littlefield.
- Divorce Act, R.S.C. 1985, c. 3 (2nd Supp.).
- Erwin, Lorna. 1993. "Neoconservatism and the Canadian Pro-Family Movement." *Canadian Review of Sociology and Anthropology* 30(3): 401-20.
- Faludi, Susan. 1991. *Backlash: The Undeclared War against American Women*. New York: Crown Publishers.
- Fineman, Martha. 1983. "Implementing Equality: Ideology, Contradiction and Social Change: A Study of Rhetoric and Results in the Regulation of the Consequences of Divorce." *Wisconsin Law Review* 4: 789-886.
- Fudge, Judy. 2001. "The Canadian Charter of Rights: Recognition, Redistribution, and the Imperialism of the Courts." In Tom Campbell, K.D. Ewing, and Adam Tomkins, eds., *Sceptical Essays on Human Rights*, 335-58. Oxford: Oxford University Press.
- "Getting the NAC." 1996. Editorial. *Globe and Mail*. 18 June, A18.
- Hall, S. 1980. "Reformism and the Legislation of Consent." In National Deviancy Conference, ed., *Permissiveness and Control: The Fate of the Sixties Legislation*, 1-43. London: MacMillan.
- Hall, S, et al., eds. 1978. *Policing the Crisis: Mugging, the State and Law and Order*. London: MacMillan.
- Hammer, Rhonda. 2002. *Antifeminism and Family Terrorism*. Lanham: Rowman and Littlefield.
- Hawkesworth, Mary. 1999. "Analyzing Backlash: Feminist Standpoint Theory as Analytical Tool." *Women's Studies International Forum* 22(2): 135-55.

- Herman, Didi. 1997. "Then I Saw a New Heaven and a New Earth": Thoughts on the Christian Right and the Problem of 'Backlash.'" In Leslie Roman and Linda Eyre, eds., *Dangerous Territories: Struggles for Difference and Equality in Education*, 63-74. New York: Routledge.
- Hough, Janet. 1994. "Mistaking Liberalism for Feminism: Spousal Support in Canada." *Journal of Canadian Studies* 29(2): 147-64.
- Howard, A., and S.R.A. Tarrant, eds. 1997. *Reaction to the Modern Women's Movement, 1963 to the Present*. New York: Garland.
- Iyer, Nitya. 1997. "Some Mothers Are Better Than Others: A Re-examination of Maternity Benefits." In Susan B. Boyd, ed., *Challenging the Public/Private Divide: Feminism, Law, and Public Policy*, 168-94. Toronto: University of Toronto Press.
- Kingfisher, Catherine. 2002. *Western Welfare in Decline: Globalization and Women's Poverty*. Philadelphia: University of Pennsylvania Press.
- Kline, Marlee. 1989. "Race, Racism, and Feminist Legal Theory." *Harvard Women's Law Journal* 12: 115-50.
- 1997. "Blue Meanies in Alberta: Tory Tactics and the Privatization of Child Welfare." In Susan B. Boyd, ed., *Challenging the Public/Private Divide: Feminism, Law, and Public Policy*, 330-59. Toronto: University of Toronto Press.
- Koshan, Jennifer. 1997. "Sounds of Silence: The Public/Private Dichotomy, Violence, and Aboriginal Women." In Susan B. Boyd, ed., *Challenging the Public/Private Divide: Feminism, Law, and Public Policy*, 87-109. Toronto: University of Toronto Press.
- Laframboise, Donna. 1996. *The Princess at the Window: A New Gender Morality*. Toronto: Penguin.
- Lessard, Hester. 1999. "Farce or Tragedy?: Judicial Backlash and Justice McClung." *Constitutional Studies* 10(3): 65-73.
- 2004a. "Backlash and the Feminist Judge: The Work of Justice Claire L'Heureux-Dubé." In Elizabeth Sheehy, ed., *Adding Feminism to Law: The Contributions of Justice L'Heureux-Dubé*, 133-42. Toronto: Irwin Law.
- 2004b. "Mothers, Fathers, and Naming: Reflections on the Law Equality Framework and *Trociuk v. British Columbia (Attorney General)*." *Canadian Journal of Women and the Law* 16(1): 165-211.
- Maroney, Heather Jon, and Meg Luxton, eds. 1987. *Feminism and Political Economy: Women's Work, Women's Struggles*. Toronto: Methuen.
- McIntyre, Sheila. 1993. "Backlash against Equality: The Tyranny of the 'Politically Correct.'" *McGill Law Journal* 38(1): 1-63.
- 2004. "Personalizing the Political and Politicizing the Personal: Understanding Justice McClung and his Defenders." In Elizabeth Sheehy, ed., *Adding Feminism to Law: The Contributions of Justice L'Heureux-Dubé*, 313-46. Toronto: Irwin Law.
- McIntyre, Sheila, with Christine Boyle, Lee Lakeman, and Elizabeth Sheehy. 2000. "Tracking and Resisting Backlash against Equality Gains in Sexual Offence Law." *Canadian Woman Studies* 20(3): 72-83.
- McIvor, Sharon. 2004. "Aboriginal Women Unmasked: Using Equality to Advance Women's Rights." *Canadian Journal of Women and the Law* 16(1): 106-36.
- Menzies, Robert. 2001. Review of *The War against Boys: How Misguided Feminism Is Harming Our Young Men*, by Christina Hoff Sommers. *Canadian Journal of Women and the Law* 13(1): 196-202.
- Minnich, Elizabeth Kamarck. 1998. "Feminist Attacks on Feminisms: Patriarchy's Prodigal Daughters." *Feminist Studies* 24: 159-75.
- Mosoff, Judith. 1997. "'A Jury Dressed in Medical White and Judicial Black': Mothers with Mental Health Histories in Child Welfare and Custody." In Susan B. Boyd, ed., *Challenging the Public/Private Divide: Feminism, Law, and Public Policy*, 227-52. Toronto: University of Toronto Press.
- Mossman, Mary Jane. 1994. "Running Hard to Stand Still: The Paradox of Family Law Reform." *Dalhousie Law Journal* 17(1): 5-34.
- Nathanson, Paul, and Katherine K. Young. 2001. *Spreading Misandry: The Teaching of Contempt for Men in Popular Culture*. Montreal and Kingston: McGill-Queen's University Press.

- . 2006. *Legalizing Misandry: From Public Shame to Systemic Discrimination against Men*. Montreal and Kingston: McGill-Queen's University Press.
- Newson, Janice. 1993. "Backlash' against Feminism: A Disempowering Metaphor." *Resources for Feminist Research* 20(3/4): 93-97.
- Oakley, Ann, and Juliet Mitchell, eds. 1997. *Who's Afraid of Feminism? Seeing through the Backlash*. New York: New Press.
- Paglia, Camille. 1994. *Vamps + Tramps: New Essays*. New York: Vintage Books.
- Parton, Nicole. 1991. "Blow Feminism Girls, Find Mr. Right." *Vancouver Sun*, 9 November, A5.
- Razack, Sherene H. 1998. *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms*. Toronto: University of Toronto Press.
- Richards, John. 1997. *Retooling the Welfare State: What's Wrong, What's to Be Done*. Ottawa: C.D. Howe Institute.
- Roiphe, Katie. 1993. *The Morning After: Sex, Fear, and Feminism on Campus*. New York: Little Brown.
- Royal Commission on the Status of Women in Canada. 1970. *Report*. Ottawa: Information Canada.
- Schulz, Vicki. 2003. "The Sanitized Workplace." *Yale Law Journal* 112: 2061-94.
- Segal, Lynn. 1999. *Why Feminism? Gender, Psychology, Politics*. New York: Columbia University Press.
- Smart, Carol. 1986. "Feminism and Law: Some Problems of Analysis and Strategy." *International Journal of the Sociology of Law* 14: 109-23.
- . 1989. *Feminism and the Power of Law*. London: Routledge.
- Smith, Dorothy. 1992. "Whistling Women: Reflections on Rage and Rationality." In W. Carroll, D. Harrison, L. Christiansen-Ruffman, R.F. Currie, and D. Harrison, eds., *Fragile Truths: Twenty-Five Years of Sociology and Anthropology in Canada*, 207-26. Ottawa: Carleton University Press.
- Smith, Miriam. 1999. *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971-1995*. Toronto: University of Toronto Press.
- Sommers, Christina Hoff. 1994. *Who Stole Feminism? How Women Have Betrayed Women*. New York: Simon and Schuster.
- . 2000. *The War against Boys: How Misguided Feminism Is Harming Our Young Men*. New York: Simon and Schuster.
- Spelman, Elizabeth V. 1988. *Inessential Woman: Problems of Exclusion in Feminist Thought*. Boston: Beacon Press.
- Steuter, Erin. 1992. "Women against Feminism: An Examination of Feminist Social Movements and Anti-Feminist Countermovements." *Canadian Review of Sociology and Anthropology* 29(3): 288-306.
- Strong-Boag, Veronica. 1996. "Independent Women, Problematic Men: First- and Second-Wave Anti-Feminism in Canada from Goldwin Smith to Betty Steele." *Histoire sociale/Social History* 29(57): 1-22.
- Thobani, Sunera. 2002. "War Frenzy." *Meridians: Feminism, Race, Transnationalism* 2(2): 289-97.
- Walby, Sylvia. 1997. *Gender Transformations*. London and New York: Routledge.
- Walker, Michael, ed. 1988. *Privatization: Tactics and Techniques*. Vancouver: Fraser Institute.
- Walters, Margaret. 1997. "American Gothic: Feminism, Melodrama and the Backlash." In Ann Oakley and Juliet Mitchell, eds., *Who's Afraid of Feminism? Seeing through the Backlash*, 56-76. New York: New Press.
- Wilson, Susannah Jane Foster. 1982. *Women, the Family and the Economy*. Toronto: McGraw-Hill Ryerson.

**Cases Cited**

*R. v. Butler*, [1992] 1 S.C.R. 452.