

Women and Guns

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Amanda Dale, *Gun Control and Women's Rights in Context: Reflections of the Applicant on Barbra Schlifer Commemorative Clinic v Canada*, 13 **J.L. & Equal.** 61 (2017), available at [HeinOnline](#).

In *Gun Control and Women's Rights in Context: Reflections of the Applicant on Barbra Schlifer Commemorative Clinic v Canada*, Amanda Dale not only provides the reader with an embodied account of law that exemplifies the limits of legal discourse, she also offers a compelling (and disheartening) explication of how and why the Stephen Harper government's repeal of the long-gun registry threatens the lives of women.

As Dale points out, gun control in Canada is different from that in the United States. Canadian gun control laws are, of course, much more robust. For example, restricted weapons, such as handguns, have been subject to gun control legislation, including a registry, since 1932. However, a Canadian registry for long guns (shotguns and rifles) was not put into place until 1995 – following a mass shooting in Montreal that engendered significant activism aimed at reducing violence against women. The shooter targeted women and said he was motivated by a hatred of feminists. Noting that most women are shot by people they know and that most domestic violence involving firearms involves legally owned shotguns and rifles, Dale explains the connection between the protection of women's physical safety and the need for a long-gun registry.

Unfortunately, in 2012 the Conservative government eliminated the obligation to register non-restricted firearms (rifles and shotguns) and required the destruction of all of the records that had been collected under the long-gun registry. Dale is the executive director of the Barbra Schlifer Commemorative Clinic. The Schlifer Clinic is a Toronto-based organization that seeks to reduce the prevalence and impact of violence against women by advocating for law reform and providing legal and counselling services to women who have experienced violence. The Schlifer Clinic, under Dale's direction, brought a constitutional challenge to the repeal of the long-gun registry, arguing that it infringed women's rights to equality and life, liberty, and security of the person. *Gun Control and Women's Rights in Context* tells the story of the Clinic's legal intervention.

Here are four things that make this article exceptional.

First, the piece is both beautifully written and rigorous. Dale seamlessly weaves together a narration of her experience of the litigation, the literature on feminist methodologies that deploy voice scholarship of this nature¹, an empirically grounded explanation of the risks and costs to women caused by the repeal of these gun control laws, and a persuasive legal argument identifying the ways in which the elimination of the registry and its records breach the Charter of Rights and Freedoms.

Second, because Dale has chosen to tell this story from a first-person perspective, the article offers a fascinating opportunity to understand legal process from the perspective of the litigant. She draws upon transcripts of her testimony, correspondence between the Clinic and its advisors, and her observations of, and reflections about, the process.

As an aside, had she chosen a different methodology the reader would not learn about, for example, the

hate mail she received, or the vandalism and threats perpetrated against the Clinic. While gun culture in Canada is thankfully different from that in America, the violence to which Dale and the Clinic were exposed as a consequence of challenging the repeal of this aspect of Canadian gun control legislation serves as a helpful reminder that we cannot become complacent about the need to resist further erosion to our gun control laws.

Third, Dale draws upon the Clinic's knowledge gained by decades of advocacy and service provision in response to domestic violence to highlight the relationship between intimate femicide and gun control laws regarding commonly held weapons. There is a poignancy to this experiential knowledge that throws into relief the distressing and senseless loss caused by the repeal of the long-gun registry.

Fourth, Dale does a wonderful job of demonstrating the ways in which traditional legal discourse privileges a narrow conception of "expert knowledge" and strips legal claims and the stories we tell about litigation of critically important context. Moreover, she deftly demonstrates how this gap in legal commentary and process imposes particular harms upon the equality interests of women.

While the Schlifer Clinic's legal intervention was not successful - the court rejected the Clinic's Charter claims - Dale's adept narration, the way she brings the story of this process to life, might aid in future attempts to formulate feminist arguments in favour of better protections against firearm-based domestic violence. At a minimum, her article ensures that the harms caused to women as a consequence of the loss of the long-gun registry will not go unregistered.

1. See, e.g., Patricia J. Williams, **The Alchemy of Race and Rights: Diary of a Law Professor** (8th ed. 1995); Kim L. Scheppele, *Foreword: Telling Stories*, 87 **Mich. L. Rev.** 2073, 2075 (1989).

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