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THE UBC SOCIOLOGY STUDENTS' ASSOCIATION, *which continues to see the value in providing undergraduate students with an opportunity to refine and showcase academic work, whether as authors or editors.*

# TABLE OF CONTENTS

1	<b>Letter from the Editors-in-Chief</b>
	<b>VOLUME 8</b>
	<b>2016 FRANCESCO DUINA SCHOLARSHIP RECIPIENT</b>
4	Igniting a 'Pink Dot': Legal Pragmatism and Cultural Resonance in Singapore's First LGBT Movement <b>SKYLER WANG</b>
15	Puzzling Aisles: Commercial Fragmentation In Guatemala <b>ELIZER ERPILLA</b>
25	Over-policed and Under-protected: Police Brutality and the Demonisation of the African American Male <b>ERIN CEDERBERG</b>
43	Contemporary Content of Rape Myths: Exploring the Online Discourse Surrounding Acquaintance Rape <b>ERIN SAVOIA</b>
62	'Custody and Treatment': A Critical Legal History of Institutionalisation in British Columbia <b>S. H. MCKELVIE</b>
79	"Who Owns My Life?": Women, Legislation, and the Right to Death <b>ROSANNA HO</b>
94	Geographies of Resistance: Urban Indigenous Women Resisting Violence and Reclaiming Identity <b>MADISON SLOBIN</b>
109	<b>About the Authors</b>
112	<b>About the Editors</b>

# LETTER FROM THE EDITORS

*Dear Reader,*

As editors-in-chief, both of us have been with *Sojourners* for several years now, and we are extremely proud of the legacy we are leaving behind. This year, we also had an exceptionally capable and cohesive team of editors, all of whom showcased diverse sociological specialisations and a passion for academic publishing. The articles presented in the following pages are evidence of their hard work and commitment to advancing sociological inquiry at the undergraduate level.

*Sojourners* has undergone major changes in our branding, with an updated website and social media presence featuring our reinvented image. This year, we chose the colours orange and pink—often associated with femininity and consequently disapproved of or overlooked in the still male-dominated world of academia. By binding undergraduate scholarship in such a ‘feminine’ style choice, we aim to subvert notions of what is ‘taken seriously’ in terms of presentation. More substantially, the papers presented in this publication all aim to interrogate power relations and their social impact, allowing us to showcase a comprehensive set of contemporary issues. Internationally, Erpilla conducts ethnographic research in Guatemala on commercialisation, and Wang interviews Singaporean citizens who participated in the authoritarian regime’s nascent LGBT movement. Cederberg highlights the racially-driven tension between law enforcement and African American men in the United States, focusing on the notorious example of the murder of Michael Brown, while Savoia explores the discourse surrounding rape myths in online commentary. Locally, McKelvie criticises the stigmatisation of (dis)ability with reference to the medico-legal history of institutionalisation in British Columbia. Also in Canada, Ho explores the treatment of physician-assisted suicide in the Canadian legal landscape, and Slobin explores the multiplicity of ways that urban Indigenous women resist dominant representations of their personhood through creative mediums.

With the release of our eighth publication, we are also excited to announce the inception of the Francesco Duina scholarship—the first scholarship to be awarded exclusively to authors published in *Sojourners*. The winning author will receive \$300 and a certificate recognising their outstanding academic publishing achievement. We begin this year’s volume with the winning paper: Skyler Wang’s “Igniting a ‘Pink Dot’: Legal

Pragmatism and Cultural Resonance in Singapore's First LGBT Movement" (page 4). With his in-depth interviews and intensive theoretical applications, Wang leads us through the significant insights of Singapore's growing LGBT movement, making a valuable contribution to our journal.

We hope that you, the reader, enjoy this year's edition of *Sojourners*, where we aim to provide diverse and relevant themes coupled with strong yet engaging writing styles. We thank you for being a supporter of our local Vancouver-based journal. It is because of you that we are gaining momentum locally and internationally, and are able to do what we do.

*Once again, thank you all for making this year's publication successful and so much fun!*

*Sincerely,*

A handwritten signature in black ink that reads "Vesna Pajović". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Vesna Pajović  
Editor-in-Chief  
*Sojourners*

A handwritten signature in black ink that reads "Selenna Ho". The script is highly stylized and cursive, with the first letters of the first and last names being capitalized and prominent.

Selenna Ho  
Editor-in-Chief  
*Sojourners*

# **VOLUME 8**

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2016



# Igniting a 'Pink Dot': Legal Pragmatism and Cultural Resonance in Singapore's First LGBT Movement

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## ABSTRACT

In contrast to Western democracies, rights mobilisation under authoritarian regimes manifests in profoundly different ways. Using the emergence of 'Pink Dot,' a Singaporean social movement that advocates for lesbian, gay, bisexual, and transgender (LGBT) individuals' "freedom to love," this article investigates how activists deploy strategic resistance to advance their cause in a country that criminalises homosexuality and suppresses dissent. Drawing from qualitative interviews with activists who promoted 'Pink Dot 2009' via social media, I contend that both legal pragmatism (careful selection of resistant strategies that do not overtly challenge the ruling party's regime) and cultural resonance (weaving activist messages with existing socially accepted national narratives) were integral to the success of the event and the longevity of the movement in Singapore.

**Keywords:** *homosexuality, LGBT, social movement, authoritarian, Singapore*

## 1. INTRODUCTION

On 16 May 2009, 2,500 Singaporeans congregated in Hong Lim Park, Singapore's designated Speakers' Corner, to demonstrate their

support for lesbian, gay, bisexual and transgender (LGBT) individuals' "freedom to love." Those who attended the event donned pink, partook in a picnic, enjoyed performances put up by a variety of cultural groups, and ultimately assembled to form the inaugural human 'Pink Dot.' As a first of its kind, both domestic and international gay rights activists deemed the movement and event a historical milestone for the advancement of LGBT rights in authoritarian Singapore, where colonial laws criminalising same-sex conduct remain intact (Ramdas 2013; Offord 2014).

Those familiar with Singapore's political regime would contend that the accomplishment of Pink Dot is no easy feat. First of all, orchestrating a public movement around social causes has historically been challenging for Singaporean activists, inasmuch as it is illegal to organise public demonstrations in the country without a valid license approved by government officials.<sup>1</sup> In addition, given the state's conservative stance on homosexuality and its domineering control over mainstream media, promotion of the event had to be done almost exclusively online. As such, Pink Dot organisers had to find strategic ways to frame, advertise and execute the nascent movement, all while navigating around a circumscribed legal and social configuration.

Through a discourse analysis of qualitative interviews with four Singaporean youths who volunteered their time to promote the inaugural Pink Dot, this paper will explore the workings of social media framing and its functions in mobilising a gay rights movement in a city-state where "civic-political rights and democratic processes are limited" (Chua, 2014, p. 4). By emphasising strategic ways of resistance, I argue that rights mobilisation in regimes that suppress dissent demands higher levels of legal pragmatism (careful selection of resistant strategies that do not overtly challenge the ruling party's regime) and cultural resonance (weaving activist messages with existing socially accepted national narratives).

## 2. RESISTANCE IN AN AUTHORITARIAN STATE

The dialectics of resistance under authoritarian regimes rest on the fact that conditions which limit civic-political liberties often serve as the very impetus for rights mobilisation (Schneider, 1991). In fact, based on

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1. Hong Lim Park is the only open space in Singapore where licensing requirements for public assemblies are exempted. This was only introduced by the government in 2008, a year before the inaugural Pink Dot gathering. Even with the exemption, the state continues to carefully monitor the use of this space.

historical events such as the overthrowing of Indonesian dictator Suharto in 1998, we witness how regimes that rely on “little else but repression” to sustain themselves “often end up radicalizing ... and creating revolutionary oppositions” (Aspinall, 2005, p. 2). Similar configurations have led to other momentous movements and events in Asia, such as the Tiananmen Square protests (as part of the 89’ Democracy Movement), as well as the Saffron Revolution (a Burmese movement that arose from increasing anti-dictatorship sentiments).

In contrast to the aforementioned authoritarian regimes, rights mobilisation manifests in profoundly different ways in Singapore. Despite being perennially lambasted for its archaic anti-homosexuality regulations, limited freedom of speech, and the state’s predilection for using law to restrict citizens’ rights and quell political dissent, revolutionary sentiments in Singapore remain low (Leong, 2000). As such, democratic participation, alongside vibrant and activist-oriented public discourses commonly found in neighbouring countries, remains largely absent in the city-state (Leong, 2012). This unique phenomenon could be ascribed to the ruling party’s masterful engineering of legal structures that give rise to a culture of fear in the present-day social order.

Since Singapore’s independence in 1965, the state government has deployed a web of institutionalised tools to prevent public articulations of dissent in order to preserve ‘social harmony’ in the country (Ooi, 2008; Chua, 2014). Today, laws such as the Public Entertainment and Meetings Act and the Public Order Act render any unapproved public gatherings or demonstrations illegal (Rodan, 2003). The punishments to those who offend these laws are harsh, and they serve as deterrence for those who seek to instigate open protests. Furthermore, strategies commonly deployed by western gay rights activists, such as engagements in “legislative, judicial and electoral campaigns,” as well as pressuring “businesses, churches, professional associations and other organisations to adopt non-discriminatory policies,” simply would not work for activists lobbying for rights under authoritarian conditions (Staggenborg, 2012, p. 122).

When political norms hamper open demonstrations, activist groups have to rely on a different set of tactics. This typically necessitates the strategic management of every move and decision so that emerging movements can both advance and survive in the long run (Chua, 2014). Part of the art involves ‘toeing the line,’ where activists “nimblely adjust,

escalate or scale back” their tactics all while ensuring that none of their manoeuvres flagrantly break the law, nor risk the chance of being perceived as blatant challenges to the existing regime (Chua, 2014, p. 4). Transgressing the two conditions above would almost incontrovertibly lead to coercive measures taken by the government and the eventual demise of a movement.

The legal constraints of gay rights mobilisation in Singapore are compounded by the prevailing cultural norms of the country. For the longest time, Singaporeans are known to be passive conformists to social policies and legislations enacted by the ruling state (FitzPatrick, 2015). Two quotidian colloquial expressions, *kiasi* (afraid to die) and *kiasu* (afraid to lose), encapsulate the general population’s attitudes towards overt resistance (Ho, 2012). *Kiasi-ness* emblematises a fear of ‘death,’ either in the sense that participation in oppositional movements could lead to physical imprisonment, or social ‘death,’ where one risks losing their job or social standing after being marked as a public rebel. *Kiasu*, which directly translates to being ‘afraid to lose,’ exemplifies the ‘free rider’ or ‘collective action’ problem that is rife in social movements. For many Singaporeans, participating in social activism entails a seemingly irrational investment of time, energy, or money. Because the goal of collective action is to achieve “a collective good,” which means that even those who do not contribute can enjoy equal benefits (Staggenborg, 2012, p. 34), members who actively provide resources to assist with the coalescence of social movements are judged to have made a poor economic decision, which leads to a perception of ‘losing’ (Bartlett, 1995). Such ways of thinking undergird Singaporeans’ apathy towards rights mobilisation and illustrate the difficult conditions in which activists in the country have to traverse.

That said, the proliferation of social media in the past decade has fuelled the evolution of social activism in authoritarian Singapore (Skoric, Ying, & Ng, 2009). Not only do social media platforms offer activists a virtual space that is significantly less regulated than the material world, they serve as an impetus for the transformation of cultural norms surrounding the expression of political dissent in the country. From the perspective of resource mobilisation theory, taking advantage of the Internet is a rational move for activists as it affords an avenue for grievances to be expressed and resources to be gathered (Eltantawy & Wiest, 2011). Social media platforms such as Facebook and Twitter give

activists a communication infrastructure to recruit members across large distances, “achieve intergroup-collaboration,” seek donations, and most importantly, spread their cause (Lim, 2012; Breuer, Landman, & Farquhar, 2015, p. 769). As such, within the existing legal framework, the emergence of social media has enabled activists to skirt institutionalised barriers and better their chances at attaining their goals. At the very same time, given the Internet’s inherent ability to democratise, more and more Singaporeans are turning to social media to express their discontentment (Skoric et al., 2009). Furthermore, with increasing anonymity and more convenient ways to participate, the virtual space has also somehow dissipated notions of *kiasi* and *kiasu-ness*. Given these changing terms, activists in Singapore are confronted with the need to strategically harness newly available resources to instigate social movements that not only meet legal requirements, but are culturally resonant with Singaporeans as well.

### 3. METHODS

This study consists of four semi-structured interviews conducted in October 2015 with volunteers who helped plan, promote and execute the inaugural Pink Dot event in 2009. Through conducting interviews, my hope was to gain insight into how legal and cultural configurations impacted the team’s decision-making processes vis-à-vis promoting the movement via social media. To mitigate the effects of retrospective bias (given that the interviews were conducted six years after their involvement), I developed an interview protocol that guided respondents to reflect on specific events that marked their involvement. Much time was allocated to questions on how social media framing was conceptualised, designed, and accomplished. My first interviewee is a personal contact of mine. After the interview, she put me in touch with three others she thought might be interested in participating. Owing to the fact that all four interviewees resided in Singapore during the course of the study, I had to conduct the interviews transnationally via video calling.

The interviews, averaging 45 minutes each, were recorded and later transcribed. Each transcript was then systematically reviewed, coded, and similar ideas were sorted based on emerging themes. Following that, I engaged in a round of discourse analysis (Fairclough, 2013), where I scrutinised language choice, examined the ways in which my interviewees framed their narratives, and unearthed the embedded

meanings behind their reflections. The names of all participants are presented as pseudonyms in this paper.

## 4. FINDINGS

### 4.1 Social Media and Adapting to Constraints

When asked about their role as movement promoters, every interviewee recalled being briefed about the significance of social media during their first team meeting. Sarah, who was a 22-year-old college senior in 2009, remembered vividly the assertion of a leader who expressed that “the success of Pink Dot was fully contingent on how well the movement and event were going to be promoted online.” To Sarah, this belief resonated with her own convictions:

We didn't have anything. The budget was tight, and you know that the government isn't ever going to let you post anything related to Pink Dot in the public, since it was perceived as 'sensitive.' So no TV, magazines, *Straits Times* (Singapore's highest-selling newspaper), all those are out. Going on social media was our only option. And I know from the start that that is what we are going to be focusing our energies on. Also, really, that's the only thing that we could afford.

Sarah's reflection expounds the totalising control the Singaporean government has on traditional mainstream media. As such, anything deemed “sensitive,” which could be interpreted as ideas, beliefs or practices that run contrary to mainstream ideology, is to be kept away from public discourses. This circumscribed the team's promotional efforts solely to online means, and incidentally limited the demographics that the activists had access to. However, the promoters employed strategic resistance to alleviate the cost of institutional constraints by harnessing cultural resonance through utilising the image of the family:

We knew that most of the people who were on social media were from the younger generation. We needed to think of a way to take advantage of this and not let this hinder our movement ... What we ended up doing was, we decided to go with [the] family. We used a lot of familial images in our online promotional materials, including posters and YouTube videos. We wanted to persuade youths and young people to bring their parents and even grandparents to the event. So you know, it's not just a pro-gay movement for young people who support [homosexuality], it's a family-centred event that promotes love for all. It's supposed to be something that everyone can enjoy.

(Benjamin, 27)

Benjamin's reflection underscores how strategic resistance in midst of adversity can often lead to creative responses. By working around

barriers and elevating the value of family in the promotion of Pink Dot, the movement automatically becomes incorporated into Singapore's historically family-oriented nation building narrative. This framing technique achieves a dualistic effect. First, it mobilises young Singaporeans to encourage their family members to attend the event with them, which could result in a diffusion of more tolerant attitudes towards LGBTs amongst the older generation. Second, it sends off a culturally resonant message that every LGBT person is part of an existing family, and that accepting sexual diversity would only help create more cohesive families. By doing so, Pink Dot strategically positions itself as pro-family instead of simply pro-gay. Pinning the movement to existing values that have already been espoused by the general population not only legitimises the vision of Pink Dot, it concomitantly advances the movement by preventing it from being perceived as radical or socially divisive.

#### 4.2 Freedom vs. Right

Keeping in line with strategic resistance, promoters of Pink Dot had to avoid coming off as confrontational towards the existing regime in order to prevent coercive retaliation from the state. Although it is implicit that the inception of the movement is a direct response to Section 377A, a Penal Code that criminalises sexual conduct between men in the country, Pink Dot's rhetoric had to distance itself from human rights discourses. Michael, an immigration lawyer who volunteered with Pink Dot, sheds light on this:

You see, our slogan is 'supporting the *freedom* to love' and not 'supporting the *right* to love.' This is important because it affected how we did our videos and how we worded our [Facebook] updates ... In our celebrity campaign videos, there were only personal anecdotes, stories about their LGBT friends and stuff. No anger, no politics (emphasis his).



Image source: <http://www.theonlinecitizen.com/2015/05/pink-dot-concert-2015-set-to-brighten-hong-lim-park>

By differentiating “freedom” from “right,” Michael discursively alludes to a deliberate decision to refrain from using ‘human rights’ as a master framework for the movement. For one, deploying the word ‘right’ insinuates that the government has deprived a certain population of a *de jure* entitlement. This might be construed as a direct challenge against the current legal structure, which could in turn cause the movement to be perceived as overly confrontational. This notion is similarly implicated in Michael’s assertion that the campaign videos contained “no politics.” Such an expression appears to be ironic, since all social movements are inherently political. When asked to clarify, Michael mentioned that “no politics” could be reconciled with the absence of overt, “militaristic expression of political viewpoint” towards the issue.

Furthermore, even though the term ‘gay rights’ was frequently used internally by the organisers, they were afraid that the expression would result in allegations that the movement was rooted in Western ideologies, causing the movement to lose its cultural resonance:

Yeah in Singapore, as you know, a lot of people think that homosexuality and gay rights are things we got from the States, or from the West. A lot of people here somehow believe that being gay is selfish, and that it only serves your own, and that it will one day destroy our country. (Sarah, 28)

Sarah’s comment evinces a common belief that many conservative Singaporeans hold—homosexuality is a Western-imported, individualistic way of living that erodes communitarian values in the Asian city-state. As such, to avoid evoking such a perception, the social media team decided that it was more pragmatic to go with ‘freedom’ than ‘right.’ To them, the former is more nuanced, neutral, and culturally appropriate.

#### 4.3 The Politics of ‘Pink’

The colour pink was integral to the success of the movement. Not only did it give Pink Dot a strong, iconographic online presence, it was also strategically selected to provide both legal legitimacy and cultural resonance. The social media campaign videos produced by the team were important in delivering this message:

You see, when people first look at Pink Dot, they are going to be like ‘wow of course it’s pink, it’s the gay colour.’ We picked pink not because of that. Rather, pink is the colour of our ICs (identification cards), which denotes us, Singaporeans. Also, what colours make pink? Red and white! It’s the colour of our flag ... But like, people aren’t going to get it if you don’t tell them explicitly so ... Which is why we had to ask the influencers in our videos to explain this so



that the message gets across. We even made the title of the YouTube video 'RED + WHITE = PINK (2009 Campaign).' I don't think it could get any clearer. (Zeyi, 26)

Tying the movement's colour to the Singaporean identification card served as a reminder to the public that the event was made for Singaporeans. This had legal significance because Hong Lim Park's regulations state that only citizens and permanent residents are allowed to participate in events held in the park (Chua, 2014). That said, it was fine for foreigners to watch and observe. To ensure the success of the event and the longevity of the movement, organisers made sure that information like this was disseminated in advance through social media outlets so as that everyone attending the event could learn about the rules.

In addition to legal concerns, the incorporation of red and white, which are the colours of the Singaporean flag, strategically bolstered the movement's cultural significance. By doing so, the organisers made a bold statement—that acceptance (pink) lies in the core of all Singaporeans (red and white). It sends off a powerful message that the creation of an inclusive country rests on the hands of its people, and that it is every citizen's civic duty to uphold that.

## 5. CONCLUSION

By strategically navigating legal barriers and being sensitive towards the cultural configurations of Singapore, the Pink Dot movement has enjoyed longevity and success. Pink Dot, currently in its seventh year, was graced by 28,000 people in 2015, more than ten times the number recorded for the inaugural gathering (Shen, 2015).

Such levels of success cannot be attributed to random chance. Compared to oppositional movements in democratic regimes, resistance under authoritarian leadership requires higher degrees of pragmatism, flexibility, and discretion. In recognition of what Singaporean queer activists lack—role-modelling of previous movements' success, veterans to offer advice from earlier experiences, and a sense of certainty pertaining to whether or not replicating strategies commonly employed by western activists would work in a country like Singapore—Pink Dot's organising team assiduously assessed their options and cleverly capitalised on however little was made available to them. The success of Pink Dot was of great significance to the zeitgeist of social activism in Singapore because the outcome of the movement shapes the tonality of future mobilisation in the country. From the interviews with event

promoters, we catch a glimpse of the intricate decision-making processes that mould and shape how a social movement is fashioned in a country where public resistance is deemed an anomaly. We further explored how social media was strategically utilised by activists to negotiate legal configurations, create cultural resonance, and ultimately promote a carefully framed event to the masses. Together, under the guidance of perspicacious and forward-thinking leaders, the Pink Dot team blazed a trail for Singapore's first ever LGBT movement. The lessons we learn from this group of inspiring activists could be pertinent to other gay rights activists who wish to affect change in their respective countries, especially for those living under authoritarian or oppressive regimes.

Today, Pink Dot has extended its outreach to countries like Malaysia, Taiwan, and Hong Kong, where sexual politics can be just as precarious as Singapore's. With impressive turnouts recorded for the international versions of the event, the organisers of the inaugural Pink Dot event can find comfort in the thought that their efforts did not go in vain. Lastly, I wish to conclude with a quote that Sarah, the first interviewee introduced in this paper, shared with me near the end of our interview. When asked about why a movement like Pink Dot matters so much to Singapore, she summed up the spirit of the movement with this impassioned sentiment:

This movement is ours. We gave birth to it, nurtured it, and are now seeing it fly. Decades down the road, when Singapore becomes a more equitable place, we are going to be reminded that in 2009, only 2,500 people showed up to the first Pink Dot. We are going to celebrate how much the country, its laws and culture, have changed, and grieve for those who could not live till that day to see those changes. Maybe we won't remember it all, but there is one thing that we will never forget, and that is—we might be the ones who started the movement, but it was Singaporeans who gave it its life. ▀

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# Puzzling Aisles: Commercial Fragmentation In Guatemala

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## ABSTRACT

In this paper the author explores the spatial, social, and cultural fragmentation as well as the effects of cultural imperialism within Guatemala's commercial sector. By drawing on ethnographic fieldnotes from two specific market experiences during the author's six-week UBC Global Citizenship Term Abroad in Guatemala, the author shows how transnational corporations and consumers in Guatemala play a role in creating physical and symbolic divisions between commercial space, consumer goods, and people themselves post Guatemalan Civil War. The author also reflects on tourist and academic practices in commercial situations within and beyond Guatemala's borders.

**Keywords:** *Guatemala, concentration, fragmentation, consumerism, ethnography, imperialism*

## INTRODUCTION

In this paper I explore the paradox of concentrated corporate power and the fragmentation of commercial space within modern-day Guatemala. First, I explain what J.T. Way (2012) means by 'concentration' and 'fragmentation' in the context of neoliberal globalisation. I draw on field note excerpts that describe my consumer experiences in Xela and Antigua, two major tourist attractions in Guatemala, from

my experience with UBC's Global Citizenship Term Abroad program from May to June 2015. From these excerpts, I highlight instances of concentration and fragmentation on both a macro and micro level. On a macro level, I illustrate the power of a US corporation to fragment both space and people through my experience at a North American owned department store. On a micro level, I show how fragmentation reveals itself while I make a small purchase in a tourist market aisle selling traditional—also known as *tipica*—goods. Finally, drawing on the work of Carter (2001), I conclude with reflections on cultural imperialism that are inherent in both of my commercial experiences, and on my own role as a consumer who can help resist commercial fragmentation within and beyond Guatemala.

J.T. Way (2012) defines 'fragmentation' as the division of space, institutions, and people, which leads to the overall feeling of brokenness in Guatemala. To Way, fragmentation in Guatemala is a direct result of the Guatemalan Civil War (which ended in 1996), escalating poverty, and subsequent transnational development. He argues that "neoliberal economics have contributed to a central paradox of contemporary life: the more concentrated that power becomes in the corporate capitalist world system, the more fragmented the landscape becomes" (p. 183). To be sure, Way attributes Guatemala's fragmentation to a number of developments, such as the marginalisation of the political left, the prevalence of Evangelical Protestantism, the proliferation of non-governmental organizations (NGOs), and the rising presence of transnational capital. In what follows, I focus only on instances of fragmentation and concentration in terms of the presence of transnational capital within competitive commercial spaces. In this paper, I use the term 'transnational' multiple times (e.g., transnational shampoo), which I define as products that I have personally seen in at least three countries, including Canada. I went to Guatemala with the experience of already having travelled to and shopped in the US, the Philippines, and Portugal.

## METHODS

My methodology involves an ethnographic approach that adopts the standpoint of an academic tourist seeking out genuine market experiences in Guatemala. My main goal during the six-week Global Citizenship Term Abroad was to understand large and small-scale market experiences in our three major destinations: Xela, a medium-sized mostly

indigenous city in the western highlands; Nebaj, a small indigenous town in the north; and Antigua, a large, mainly tourist town near the capital city. My fieldwork was shaped by the 'institutional ethnography' of Dorothy Smith (2005), which focuses on how language and cultural texts mediate interpersonal power relations in everyday life. I also focus on Amy Hanser's (2008) ethnographic work in her book *Service Encounters*, where she explores cultural distinctions among economically disparate groups by comparing big department store experiences with smaller-scale market as well as street vendor experiences in Harbin, China. Similarly, this paper focuses on two different sites of observation: a large-scale encounter in a department store, and a small-scale encounter with an outdoor street vendor. These field sites allowed me to gain insight into how transnational corporations and transnational consumers play a role in the paradox of fragmentation and concentration in Guatemala.

## DEPARTMENT STORE: PAIZ, PRODUCTS, AND PRINGLES

The following excerpt from my field notes takes place on a warm afternoon in Xela, Guatemala's second largest city:

I left the long strip of produce and miscellaneous goods sold outdoors and took a five-minute walk to the main shopping centre called Mont Blanc. I was looking for shampoo so I walked into a department store called Paiz. Initially, I felt comfortable and at home: the supermarket was air conditioned, staffed by security guards, and had wide and white aisles. These aisles differed from the crowded, littered, noisy, and messy strips of produce stalls a five-minute walk away. I even noticed Pringles chip cans sticking out of other shoppers' baskets. Soon after, I felt puzzled because I could not find shampoo made in Guatemala. The toiletry aisle was filled with rows of shampoo and body wash commonly found at home - Head and Shoulders, Dove, Axe, and more. *Where are the Guatemalan brands that I would expect to see in a seemingly Guatemalan department store?* I finally found one bottle of shampoo named KENT, which was labeled 'made in Guatemala,' at the lowest of five or six rows of shelves. This bottle of KENT almond shampoo was 15.95 Quetzales (about 2.50 Canadian dollars) and was way cheaper than the transnational brands (which ranged from 50Q to 80Q). Satisfied, I went home that night, only to find out from a pamphlet that Paiz is owned and operated by Walmart.

This shopping experience illuminates the paradox of concentration and fragmentation on two levels. The first is present inside Paiz in the uneven division and distribution of commercial goods. Inside Paiz, transnational products outnumber Guatemalan products. This concentration of

transnational products leads to an outcome of the fragmentation of Guatemalan products. Commercial goods made in Guatemala (e.g., KENT shampoo) are sent to the spatial periphery of shopping aisles (i.e., the very bottom of store shelves), and are thus symbolically granted markers of lower status. Furthermore, the vast concentration of transnational products may make North American tourist consumers like me feel right at home. For example, the products in people's baskets (e.g., Pringles) and the supermarket itself reminded me of a typical Walmart in Vancouver (e.g., air conditioned, wide aisles). Rather than just calling the department store 'Walmart,' 'Paiz' leaves the impression of a Guatemalan department store that sells Guatemalan goods. In other words, the US, as a corporate power in Xela, presents a market (Paiz) that seems to be Guatemalan on the outside but is actually predominantly North American on the inside. However, just as Guatemalan goods are fragmented and 'lost' in the sea of transnational products, local customers may also feel 'lost' with their consumer choice in an ostensibly Guatemalan market. In purchasing products such as Pringles chips or Dove soap, consumers contribute to transnational economic growth. By supporting Walmart and Paiz, such consumer choice contributes to the increased concentration of US corporate power, which also leads to an outcome of fragmentation between transnational and Guatemalan goods within the commercial sector of Xela, and Paiz in particular.

The second paradox of concentration and fragmentation is found external to Paiz in the division of space between transnational corporations and street produce vendors. Paiz is located inside a large shopping centre called Mont Blanc. Paiz occupies the most space relative to other stores and can therefore house the most customers at the same time. Within Xela, as I later learned, one can drive to another Walmart by Tuc-Tuc (a type of motor-tricycle taxi) eight minutes from Paiz. The presence of two large American supermarkets led by the same corporate interest contributes to the fragmented landscape of Xela. These supermarkets are clean and guarded, while outdoor markets are littered and unguarded. Paiz's products attract consumers (both local and tourist) who can afford to buy expensive transnational goods (e.g., American shampoo like Head & Shoulders which ranges from 50-80Q as opposed to 15.95Q Guatemalan shampoo). Appealing to certain customers further fragments not only Guatemala's physical, economic, and cultural landscape but its consumers as well. Together, Walmart and Paiz

perpetuate a divide between those who can enter a supermarket and leave with Pringles (i.e. *haves*) and those who can only buy handmade or home-grown goods on littered and crowded streets (i.e. *have-nots*). The presence of security guards in Paiz further legitimates and reinforces the spatial, cultural, and social fragmentation of *haves* and *have-nots*.

## STREET VENDORS: TOURISTS, TIPICA, AND TACTICS

While I have shown concentration and fragmentation on an institutional scale in Guatemala's second largest city, I have also experienced the same paradox on a personal level. The following excerpt takes place in an open aisle of a crowded outdoor tourist market selling *tipica* goods in Antigua, the country's primary tourist destination, which holds a reputation for being the one of the world's best conserved Spanish colonial cities:

Fellow students Kay\*, Lay\*, and I were casually walking past a line of stalls, talking about how we wanted to buy souvenirs for our friends. Once we were in earshot of the vendors, they popped out from their kiosks, reciting phrases like "Hello, best price for you," and "What would you like?" and "Come see these beautiful rings!" Even if we ignored them, the vendors would not stop nor retreat until we completely passed their stalls. It looked like they all sold the same things—rows of patterned bags, colorful shirts, jewelry, and eye-catching souvenirs such as bookmarks and shot glasses. A few stalls in, my eye caught a dark orange 'Gallo' tank top (Gallo is a famous Guatemalan beer brand and this top was also sold in other stalls that we have passed). A thin dark-skinned man wearing casual clothing immediately got up from his little stool and approached me excitedly. "Hello! How are you! Do you like this shirt? I'll give you the best price for it!" He exclaimed swiftly. "Yes I like that shirt. Can I try it on?" I said, forgetting to ask in Spanish. While I was trying the tank top on, the man spoke in the most fluent English I have ever heard from a *tipica* vendor in Guatemala. Kay, Lay, and I were amazed and we congratulated him on it. He thanked us, and explained how he liked to practice English on his spare time. I bought the Gallo tank top once he gave me his 'best price' of 45Q. We continued to look at what he sold, and he pulled out a navy blue shirt from a pile of stored and folded shirts. "That's interesting," Kay pointed at the illustration on the shirt. "What?" I asked puzzled. There were little cartoon children, with different coloured skin, holding hands around the circumference of the 'earth'. This 'earth' displayed North and South America as the only landmasses; everything else was water. It did not include the edges of the other continents such as Asia, Africa, or Australia. "It's only showing the Americas! Why would people even make those kinds of shirts?" I joked. We laughed uncomfortably at it together.

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\*Names have been changed to preserve confidentiality.



This small-vendor market aisle experience is another illustration of the paradox of concentration and fragmentation in Guatemala. Kay, Lay, and I were a concentrated group of tourists who had potential 'transnational capital' in our pockets—i.e., our spending money—for the vendors to earn. Indeed, our presence summoned the inherent fragmentation amongst the vendors of this aisle. Rather than witnessing spatial fragmentation, Kay, Lay, and I witnessed a sense of rivalry among these vendors, which brought them into concentrated communication with passing tourists. Although close in proximity, these vendors engaged in a space of competition with each other. They were fragmented from each other by trying to outsell one another. Although they were selling the same things, such as the Gallo tank top that I bought, each vendor used his or her own unique English phrase as a way to attract us and negotiate a sale. Amongst all the vendors, this man who sold me the Gallo tank top stood out from the others with his excellent English.

The fact that this vendor made a sale through his relatively superb English exemplifies what Walter E. Little (2004) calls "tactics in the marketplace" (p. 111). Little explains that in Guatemala, and in Antigua in particular, vendors in tourist markets must make at least 20Q (3.33 USD) a day to stay in business. As they are generally in lower positions of socioeconomic power than tourists, vendors must "figure out ways to hook the tourist and outcompete each other" (p. 111). The difference in socioeconomic power between tourists and vendors is exemplified by the intensity of vendor's reactions and swift phrases, which contrasts our far more leisured orientation of walking past their stalls. Along this single strip of *tipica* stalls, this man's tactic of reciting multiple, swift phrases at us in accurate English (as opposed to singular words), allowed him to outcompete other vendors, earn 45Q, and stay in business for the day.

This interpersonal example of fragmentation and concentration is different from my institutional experience in Xela. On the one hand, Paiz and Walmart work together to attract relatively affluent customers to buy mostly transnational rather than Guatemalan products. On the other hand, *tipica* vendors (who mainly sell the same products) must take command of the fragmented space and compete with each other for their basic needs. For Walmart and Paiz, a customer who enters and leaves without a purchase does little harm because there are many more customers to gain profit from. In tourist markets, every passing customer is an opportunity for vendors to stay in business and to possibly provide

for their families back home (Little, 2004). While Paiz perpetuates a divide between products and customers for increased economic growth beyond Guatemala's borders, vendors in *tipica* markets work and compete for mere economic subsistence within a fragmented landscape.

## REFLECTION ON CULTURAL IMPERIALISM

In addition to exploring these experiences in terms of concentration and fragmentation, it is also worth exploring problematic instances of what April Carter (2001) calls "cultural imperialism" in the Guatemalan commercial sector (p. 79). Carter defines cultural imperialism as the act of "unconsciously trying to impose Western beliefs on other people in the guise of universal principles" (p. 79). According to Carter, the unintentional bias towards Western priorities and values can be attributed in part to transnational institutions that work toward global justice and equality (e.g., NGOs). Here, I attempt to extend her notion of cultural imperialism into my consumer experiences in Guatemala's commercial arena. My large department store experience in Xela exemplifies the high valuation of transnational products over Guatemalan ones, imposed by American corporations and maintained by consumers. My small street vendor experience in Antigua demonstrates how tourists value English over Spanish for the purposes of holding a conversation and negotiating a sale.

My Xela experience reveals both American corporations and customers engaging in cultural imperialism. On the one hand, Paiz consciously puts vast amounts of transnational products on the shelves, while strategically keeping the scarce amount of Guatemalan products on the lowest shelves of these aisles. All of this is done under the guise of a seemingly Guatemalan market, because the one KENT shampoo bottle sustains 'Guatemalan authenticity' implied in the name of 'Paiz.' On the other hand, Paiz and Walmart customers unconsciously maintain the high valuation of transnational products by purchasing and bringing them outside of the markets for people to see (e.g., Pringles). All of this is done under the guise that the consumer is exercising choice (e.g., between Axe, Dove, Head & Shoulders, or KENT). However, customer choice is ultimately manipulated by American corporations, whose primary interest is to increase transnational capital.

My Antigua experience illustrates a relationship of cultural imperialism between *tipica* vendors and tourist customers. Although it was the man's

tactic and my interest in the Gallo top that initially brought us to his stall, it was also our values and familiarity with English that kept us enticed with this vendor and his merchandise. Kay, Lay, and I actively chose this vendor because he spoke the best English out of all the vendors along the strip. Once I realised this, I did not think twice about continuing the conversation in English. We appreciated his conversational skills so much that we even congratulated him for it. In addition, most of our conversation with him was about how he practiced the language. Ironically, when the man showed us the shirt that illustrated multiracial children holding hands around an 'earth' that only displayed North and South America, we challenged its lack of cosmopolitanism and universality. This part of our exchange ironically solidified the cultural imperialism inherent in our interaction. The crucial point here is that while we were academics who were offended by a strange shirt that excluded other landmasses, we were unconsciously imposing our own Western values (treasuring a colonial and Western language) on the man who tried to sell it to us.

From these analyses, we can see how fragmentation, concentration, and cultural imperialism seem to complement each other in Guatemala's commercial arena. The insertion of American supermarkets and countless purchases of transnational products in a Guatemalan city creates a class of customers (e.g., *haves* and *have-nots*) and a division of space (e.g., clean and guarded supermarkets as opposed to littered and unguarded outdoor markets). Thus, in my Xela experience, cultural imperialism fuels fragmentation. However, in my Antigua experience, fragmentation precedes cultural imperialism. Kay, Lay, and I entered into a space that was already fragmented due to vendor rivalry, and then we chose to buy from the vendor who spoke the best English. Both experiences reveal the high regard for Western values in Guatemala's commercial sector and how this contributes to the look and feel of Guatemala as a sum of separate parts rather than as a whole nation.

## CONCLUSION

In this paper, I have illustrated instances of concentration, fragmentation, and cultural imperialism present in my commercial experiences in Guatemala. Walking down a shopping aisle in Paiz shows that American corporations not only take up a large amount of space in Xela, but also create a divide between shoppers who either can or cannot afford American-style/transnational products. Customers who can afford these

products unconsciously contribute to social fragmentation by buying and consuming them in public in a mainly indigenous city. Walking down an aisle of *tipica* vendor stalls also illustrates the concentration of tourists in a space where vendors appear to be fragmented by rivalry. Many tourist customers enter into competitive spaces where vendors are trying to sell traditional goods in order to meet their basic economic needs. These vendors employ linguistic tactics to stay in business and out-compete others. Finally, tourist customers, such as myself, are usually unaware of vendors' economic position and unwittingly engage in cultural imperialism by purchasing goods from vendors who speak well in English.

Overall, this paper contributes to a critical analysis of the effect of neoliberalism in Central America because it offers a unique perspective on Guatemala's commercial sector and is relevant to the examination of average tourist and academic practices. This paper uses an ethnographic standpoint to move from particular tourist experiences to the broader trend of neoliberal globalisation. It also makes a contribution to understanding a part of world that is not as noticed because it is not on the major path of tourism due to its reputation for violence and crime (Perera, 1993). It is relevant to tourists and academics in making us aware of the kinds of complicated cultural and economic forces that play out on the ground in simple everyday encounters.

In the midst of increasing neoliberal globalisation and the commercial, social, and cultural fragmentation that comes along with it, it is not so puzzling that I have a crucial and active role in all of this too. The Global Citizenship Term Abroad in Guatemala has taught me to walk through all kinds of shopping aisles—whether big or small, abroad or in Canada—with a greater awareness of global trends that come with local implications. I have learned that I am a consumer with the power both to impose Western values and to resist further fragmentation in commercial transactions. ▀

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# **Over-policed and Under-protected: Police Brutality and the Demonisation of the African American Male**

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## **ABSTRACT**

This paper explores the growing prevalence of unarmed, African American males being murdered at the hands of law enforcement as a result of widespread stereotypes of black masculinity in the United States. In recent years, the advancement of video technology has brought such events increasingly into the public eye, making scrutiny of law enforcement practices more critical. Primarily examining the recent case of Michael Brown, an eighteen-year-old black male shot by Officer Darren Wilson in 2014, this paper will assess the role of stereotyping in police violence against African American males. Following the theoretical framework of the Manchester School of Ethnic Relations, this paper will analyse the frequent reliance on the stereotype of the 'violent' African American male for justification and social legitimisation of their deaths in the mass media—which is a key agent in this stereotyping process through the reporting of such events.

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. ...If of African descent tear off this corner.*

— Negro Silent Protest Parade, July 1917  
(as cited in Flemming, 2005, p. 163)

## INTRODUCTION

In the early afternoon of August 9th, 2014, African American teenager Michael Brown, along with his friend Dorian Johnson, were stopped on the streets in Ferguson, Missouri for jaywalking by the white police officer Darren Wilson (Buchanan et al., 2015). Wilson was responding to a call regarding a nearby theft of a convenience store; within minutes, he had fired twelve rounds, six of which hit the unarmed Brown (Buchanan et al., 2015). The autopsy revealed that Brown could have survived the first five shots, as it was the sixth to the head that ultimately resulted in his death (Curry & Ghebremedhin, 2014).

The nature of Michael Brown's death is reflective of a recent trend in the militarisation of the police force in the United States that disproportionately affects the lives of young African American men in violent and tragic ways, due to particular internalised racialised stereotypes associated with their masculinity (Curry, 2014). In essence, Michael Brown's case is not an isolated occurrence; rather, it is a symptom of an epidemic of systemic bias against African Americans in the United States that, combined with the corresponding judicial system, is statistically well documented. For instance, the "prison boom" beginning in the 1990s produced higher rates of incarceration overall for African American men (Gaiter, Potter, & O'Leary, 2006, p. 1148); 32.2% of African Americans are predicted to be incarcerated within their lifetime as compared to only 5.9% of whites (Spencer, Charbonneau, & Glaser, 2016). Growing up, African American youth are arrested at triple the rate of white youth, and controlling for actual crime rates among each group does not account for this disparity (Glaser, 2014). A recent American Civil Liberties Union report revealed that police often selectively patrol African American communities on a national level (Umsted, 2014). Moreover, despite equal usage rates of marijuana, African Americans are 3.73 times more likely to be arrested for its possession than their white counterparts (Umsted, 2014).

These disproportionate rates of imprisonment have been linked to a higher wage disparity between African Americans and whites, as well as higher rates of unemployment, family instability, and lack of access to healthcare after release (Gaiter et al., 2006). These patterns demonstrate how a racially biased justice system produces detrimental domino effects for African American men in various other social arenas. Most importantly, of the 1,135 police brutality murders that occurred in 2015, young African American men were overrepresented by at least nine times compared to

men of any other race. In fact, while African American men between the ages of 15-34 account for only 2% of the United States population, they represent 15% of these deaths at the hands of law enforcement (Swaine, Laughland, Lartey, & McCarthy, 2016).

Thus, while cases like Michael Brown's may not necessarily be a direct reflection of the racial bias of every individual police officer, they nevertheless highlight the dangerous consequences of racial profiling in American society—one that is rooted on a backdrop of historically unequal power relations between a white majority and an African American minority. Technological advancements have made it such that incidents of police brutality against African American men are becoming increasingly visible to the public, as they are often recorded, making scrutiny of law enforcement all the more crucial (Calamur, 2015; Weitzer, 2015). Highlighting the above case of Michael Brown, this paper will argue the role of self-perpetuating, cyclical mechanisms of racial stereotyping that fuel the murders of African American men at the hands of police (Apel, 2014). By employing the theoretical framework of the Manchester School of Ethnic relations, I will demonstrate how these stereotypes serve as justification and social legitimisation of excessive and lethal force, and how cases such as Michael Brown's serve to fulfil "promises of order and stability for a white majority" (Curry, 2014, para. 5). I will also demonstrate how the racial stereotypes that result in such police brutality are further perpetuated by mass media representations of the 'violent' African American male, and exacerbated by a persistent lack of racial integration in American society.

## **THE WEIGHT OF HISTORY AND LEGACIES OF POLICE BRUTALITY**

As a nation-state, the United States possesses a monopoly on the legitimate use of violence, which makes it possible for racially charged murders to be justified on the basis that they are carried out by the repressive agencies (such as the police or judiciary system) acting on behalf of the state (Eriksen, 2010). Chaney and Robertson (2013) note that African Americans have been subject to discriminatory practices of law enforcement officials since practices of slavery and forced migration that have spilled over into the present. Assaults on African Americans by the New York Police in Harlem during the 1920s, the first civilian-filmed prominent police beating of Rodney King in 1991, and extensive stop-and-



frisk policies that continue to be directed disproportionately at African Americans highlight the all-too-common nature of racially charged police brutality in the United States (Chaney & Robertson, 2013). However, in the recent cases of Tamir Rice, an African-American child shot for holding a toy gun (Calamur, 2015), and the death due to chokehold of Eric Garner on Staten Island by police officers (Fitzsimmons, 2014), both of these were caught on video—bringing the injustices against them into the larger public attention.

The use of excessive force against African American males is growing in the United States. Miller (2014) identifies a recently emerged “muscular state” in the latter decades of the twentieth century that involves militarised policing, widespread stop and frisk, and mass imprisonment as reasons behind this spike in police brutality (para. 2). To explain these trends, she draws on two historically recent, interconnected developments that have left African American men more vulnerable to police brutality: a “hollowing out” of the civil rights movement, accompanied by the statistical rise in violent crime in America (para. 3). The civil rights movement was “hollowed out” as the state began to play an increasingly active role in the project. However, the state’s response was to cut social spending on civil rights and instead funnel resources to policing and the development of professional prisons in an effort to alleviate white on black violence motivated by racism (Miller, 2014). While well-intentioned, the state’s role in the civil rights movement backfired once it was compounded with the rise in violent crime, as these two processes together left African Americans in a vulnerable position. Violent crime began increasing in the United States during the 1960s, with its rate tripling and the homicide rate doubling (Miller, 2014). However, this rise in crime has by no means been racially balanced. African American men are murdered at a rate ten times that of white men, and have a 1 in 130 lifetime risk of murder (Miller, 2014), indicating that this is a more serious issue for African American males. Due to both this rise in a militarised police force, and high rates of interpersonal violence, African American men are now over-policed and under-protected (Miller, 2014).

A frequently relied-on concept that serves to mask the realities of police brutality against African Americans is the phrase ‘black on black crime.’ Quick to be employed by the media, use of this phrase demonstrates an unwillingness of the white majority to acknowledge their role in formulating the structural conditions that facilitate interper-

sonal violence, such as disproportionate levels of unemployment and poverty. Such social risks are concentrated in the African American population, and are created by the state itself (Miller, 2014). The reason the notion of ‘black on black crime’ is harmful is that by nature it “implies an agentless government” and rhetorically isolates the issue as a “phenomenon carried out by some distinct and foreign entity” (Miller, 2014, para. 7). Put simply, it involves a process of “othering” African Americans, and excuses any subsequent harsher treatment against them by establishing this white/black dichotomy. Moreover, the repeated idea of ‘black on black crime’ by the media propagates fear by implying a specific type of violence exclusive to African Americans that is alien to the rest of the population, and promotes “Negrophobia”—the irrational fear of African Americans (Chaney & Robertson, 2013, p. 482).

There is a well-known history of African American oppression in the United States, and African American males in particular suffer higher rates of mental disorders, unemployment, poverty, homicide, suicide, and incarceration (Majors & Billson, 1992). However, despite this deeply rooted history of unequal power dynamics between a white majority and an African American minority, most of mainstream society still does not perceive these systemic biases to exist. It has been shown that the white majority in America approves of current police performance, and only 38% of whites view the system as unfair towards African Americans (Tonry, 2011). This way, police brutality is tolerated by society and even justified, as anti-black violence and its white agents are socially legitimised to serve the maintenance of societal order (Curry, 2014).

## **THE CASE OF MICHAEL BROWN**

Whenever white police brutality leading to the deaths of African Americans occurs, the police are rarely punished to the full extent of the law (Brown, 2013). In the case of Michael Brown in Ferguson, Missouri, police officer Darren Wilson stopped Brown for jaywalking and suspected his involvement in a nearby theft (Buchanan et al., 2015). Since Wilson acted without substantial proof, the death that resulted from this incident was wholly unnecessary and all the more brutal. However, the jury did not indict Darren Wilson in relation to Brown’s shooting (Buchanan et al., 2015). Despite having killed an unarmed eighteen-year-old with six gunshot wounds, Wilson was given paid leave and no jail time. This demonstrates how police officers suffer little consequences for their

actions in these instances, and if consequence is served it is little more than a slap on the wrist (Apel, 2014). The jury was comprised of nine whites and three African Americans—in order to indict, only nine jurors were required to agree (Buchanan et al., 2015). The racial makeup of the jury has left many sceptical, and critics of the case suggest that it is hardly difficult to predict who amongst the jury ruled in favour of Wilson (Clifton, 2014).

Another important point is the way in which Officer Darren Wilson characterised Michael Brown in his recollection of the events during testimony, in which he compared Brown to the hulk and characterised him as a “demon” (*State of Missouri v. Darren Wilson*, 2014, p. 225). This had a literal impact of dehumanising Brown in the eyes of the public. In contrast, those who were close to Brown have strikingly different descriptions of him as a “gentle giant” (Crouch, 2014, para. 6), demonstrating the biased subjectivity of Officer Wilson’s assessment of Brown. Moreover, Wilson’s description of Brown speaks to the harmful nature of racialised stereotypes of African American men (Crouch, 2014). Even young African American men regarded as non-violent by those who personally know them are subject to stereotypical evaluations based on their appearance. Although Brown was unarmed and posed no critical threat, excessive deadly force against him was deemed necessary by Wilson, based on a quick physical assessment of Brown as large, male, and most importantly, African American, and thus dangerous (Buchanan et al., 2015). Such evaluations like Wilson’s are not based on actual observations of dangerous behaviour, but rather preexisting notions of a link between African American men and criminality (Crouch, 2014).

Also important for the purposes of this analysis is that Michael Brown’s body was left in the street for more than four hours after his killing, despite police presence from the beginning of the incident (Apel, 2014). Apel (2014) highlights how this act is a police demonstration of “control of the black body even after death,” and is a modern reflection of the grim history of lynching, in which bodies were left on display as a warning to the African American community (para. 11). In fact, Apel argues that these instances should be viewed as nothing short of modern, legalised lynchings. However, they come in a form that is all the more complicated, as officers of the law are the ones who carry them out. Thus, they suffer little legal repercussion because their acts are justified as agents of the state whose monopoly on violence is legitimised.

## THE ROLE OF MEDIA FRAMING

When police brutality occurs against African American men, the media reports that follow tend to frame the events in favour of white police officers (Willison, 2015). Media framing refers to the way that media outlets focus attention on certain events, as well as depict them from a certain perspective, altogether controlling how the event is presented to the public and perceived (Willison, 2015). Moreover, the media holds the ability to control the variety of viewpoints of the event that the public is exposed to (Willison, 2015).

In the case of Michael Brown, *The New York Times* published two biographical profiles: one of Brown and one of Wilson. Wilson's profile began with a positive account of a drug bust in 2013, for which he received a commendation award, constructing him as a "good cop" simply maintaining social order (Davey & Robles, 2014, para. 2). The profile goes on to describe Wilson as having been "well-mannered", "soft-spoken", and "a good kid" growing up (para. 6). It also mentions his "troubled childhood," constructing a degree of sympathy for him and in turn less deserving of punishment (para. 9). The house he grew up in is described as a "home where letters on red, white and blue stars hung from a door" (para. 5), an arguably unnecessary detail that reinforces Wilson as patriotic and unmistakably American, or 'one of us' in the United States. Meanwhile, Brown is characterised as "no angel" in his profile, as well as a boy who was "a handful" and showed a "rebellious streak" (Eligon, 2014, para. 2). These descriptions play their part in justifying actions taken by police in the reader's mind. A crucial point is that these two profiles were published on the same day, almost begging readers to compare the two individuals (Davey & Robles, 2014; Eligon, 2014).

What is particularly striking about the coverage of Michael Brown's case is what *wasn't* reported. Rather than focus on the atrocity of a teenager being gunned down in broad daylight, media outlets fixated on the protest in Ferguson that followed. For instance, public figures representing Brown's interests were described as "agitators" (Barone in Willison, 2015, p. 30). The protesters themselves were frequently labelled as angry, violent, and even "disrupting the soul of the community" (Fredericks & Amos, 2014, para. 15) with headlines such as "National Guard arrives in Ferguson amid violent protests" and "Ferguson Protesters are Proud of Looting and Terrorizing Local Shopkeepers" (Grider, 2014). These types of stories were the ones to make headline news, and

perspectives from Brown's friends and family were limited. The focus on protest draws attention away from Darren Wilson as the perpetrator of violence and instead frames African American citizens of Ferguson as the ones causing trouble, and deserving of even more militarised policing. This serves as a distraction from the actual incident at hand, and helps to justify Brown's killing by framing African American protesters as violent. Furthermore, these stories neglected to include that of those arrested during the protests directly following Brown's death, only 5% were actually residents of Ferguson (Willison, 2015). Moreover, these arrests were for violent crimes, and thus these media depictions do not give justice to the reality of the situation in Ferguson.

In addition to this, video recordings of instances of police brutality released on social media have not significantly altered public perception of the events, as one might expect (Curry, 2014). Despite clear evidence of the unjust nature of these incidents being easily accessible to the public, the circulation of stereotypes has persisted and continues to trump the influence of clear evidence in defence of these young African American men. For instance, the video recording of twelve-year-old Tamir Rice's murder that was posted on the internet clearly showed that he was not hurting, endangering, or even interacting with anyone in the area (Fitzsimmons, 2014). However, the recording then reveals that the officer called in barely assessed the scenario, and fired essentially the second he exited his squad car (Fitzsimmons, 2014). Similarly, a video was released of Eric Garner's death in Staten Island, which resulted from the suspicion that he was selling cigarettes on the street (*The Guardian*, 2014). In this video, Garner explains multiple times that he is just "minding his business," and he does not exhibit any form of violence towards the officers throughout the incident. It is clear that police violence escalated much too rapidly, resulting in Garner's death due to chokehold with his last words being: "I can't breathe, I can't breathe, I can't breathe..." While footage was not available in the case of Michael Brown, an audio recording was released in which the sheer number of shots fired can be heard, demonstrating the excessiveness of Wilson's violence (Hanna, 2014). Despite these recordings, none of the officers involved in all three of these cases were indicted (Calamur, 2015; Weitzer, 2015), demonstrating the powerful influence of stereotypes surrounding black masculinity and their ability to render Rice, Garner, and Brown as deserving

of their fate.

## **STEREOTYPING THE AFRICAN AMERICAN MALE**

African American men are demonised through the use of racialised stereotypes (Brown, 2013). These are defined as standardised notions of the cultural distinctiveness of a group, is a practice that “dates back to the period of the slave trade and has endured” (Brown, 2013, p. 258), and often does not refer to an actual social reality (Eriksen, 2010). According to the Manchester School, there are three main functions of stereotypes in society (Eriksen, 2010). The first of these is that stereotypes help individuals cognitively create order in a complex social environment. In the United States, we can see how this sort of social categorisation might be necessary, as it is a heavily populated country with a significant degree of racial diversity (U.S. Census Bureau, 2010). There is simply too much social information to process, which makes generalisations often inevitable. The second function according to this framework is that stereotypes serve to justify privileges and differences between groups (Eriksen, 2010). In the case of police brutality, stereotypes serve to justify the racial disparities in access to equal treatment by the law. The last function is that stereotypes define boundaries between groups, and establish a cognitive process of ‘that group does this, my group does not.’ It is a dichotomizing process of “us versus them” (Eriksen, 2010, p. 33). In this case, the ‘them’ would be African American men, stereotyped as violent and criminal, with the ‘us’ being the non-violent white majority and the police force that ultimately serves them. Lastly, stereotyping can function as a self-fulfilling prophecy: stereotypes with a cyclical nature can stunt the development of a dominated group in a positive feedback loop that is never-ending, and systematically keeps the minority group dominated (Eriksen, 2010). This point will be key to my analysis further on in this paper.

The social environment that the notion of African American manhood is derived from is “saturated with racist caricatures” that justify American society’s fear of African American men (Curry, 2014, para. 6). Common perceptions derived from the media are that African American men are dangerous to women, themselves, and ultimately society (Curry, 2014). This comes from an overrepresentation of African American men in negatively associated roles in the media, and an underrepresentation in positive ones. According to the Topos Partnerships (2011), this comes from being

overwhelmingly cast in roles as criminals, but limited in their roles as parents, technical or computer experts, and intellectuals. When African American men are depicted positively, it is largely in the context of sports (Topos Partnerships, 2011), which still implies aggression and emphasises physicality. They are characterised and in turn perceived as the prototypical criminal, a notion that is encouraged by not only the media, but also reflected in the unequal sentencing outcomes of African American males compared to white males (Chaney & Robertson, 2013). African American male death at the hands of police is rooted in the utilisation of this “deadly masculine caricature” (Curry, 2014, para. 6), as I have elaborated on in terms of Darren Wilson’s effectively dehumanising testimony of Michael Brown. In addition to being cast in fictional roles, African Americans are overrepresented as criminals in the context of local television news as well (Dixon, 2008). In his study on the relationship between crime news and racialised beliefs, Dixon (2008) found that being exposed to African Americans’ overrepresentation as criminals on local news segments significantly increased perceptions of them as violent in everyday life. He found that an overwhelming 43% of this study population was white. These findings indicate that each instance of exposure to news media in which African Americans are unfairly represented “strengthens the cognitive association between Blacks and crime” in the white mind, cementing the stereotype of the violent African American male (Dixon, 2008, p. 107). In a subsequent study, it was found that whites are overrepresented as victims of violent crime, whereas African Americans are underrepresented as compared to actual crime rates: while whites’ violent crime victimisation rate was 36%, they made up 47% of the victims shown on news segments (Dixon & Williams, 2015). In contrast, African Americans are victims of violent crime at rate of 48%, yet only make up 22% of victims covered on the news (Dixon & Williams, 2015).

Thus, African American men face a double-bind: not only is there a problematic stereotype of African American men as typical perpetrators, there is a corresponding notion of whites as typical victims that is equally as problematic in its implications. These two stereotypes work together to create the conditions that allow the white majority to view African American men as an amplified threat. These patterns in media representation result in general antagonism toward African American males, exaggerated views related to their violence and criminality, a lack of sympathy for African American male existences, and reduced attention

to structural factors that shape their lived experience (Topos Partnership, 2011). The domination of media ownership by white-owned companies makes these embedded racial stereotypes incredibly difficult to escape, generating harmful notions of African American men with very real consequences for their life chances (Noam, 2009).

The perpetuation of stereotypes renders it easier for an overwhelming majority of society to tolerate these deaths and accept rationalisations made by the militarised police state (Curry, 2014). Curry (2014) goes so far as to label this occurrence as a form of “concealed genocide” that specifically targets African American males (para. 7). Moreover, he notes that the stereotyping process dehumanises African American men by characterising them as barbaric, savage, deviant, and thuggish, reducing them to a subhuman requiring differential treatment under the law. This occurs even among African American males during childhood. Police tend to perceive African American male children as more physically threatening, simply due to the combination of their race and gender (Curry, 2014). This was the case for Tamir Rice, a boy in Cleveland shot to death in November 2014 for playing with a toy gun, killed by a white police officer mere seconds after exiting his police cruiser (Calamur, 2015). Despite being only 12 years old, Rice was described by various media outlets as a young adult, altogether constructing him as less innocent. In fact, it has been observed that “black boys are seen as more culpable for their actions within a criminal justice context than are their peers of other races” (Goff, Jackson, Di Leone, Culotta, & DiTomasso, 2014, p. 540). Within the same criminal justice context, it has been noted that African American males with more ‘African’ features, such as curly hair and darker shades of skin, are statistically more likely to receive longer sentences than those with lighter skin and straighter hair, indicating evidence of racial profiling that extends beyond police interactions (Chaney & Robertson, 2013).

However, these notions are clearly not held by the criminal justice system independently. Stereotypical thought penetrates the minds of everyday members of society as well, and studies have shown that most white people believe African Americans to be significantly more inclined to dabble in crime or other deviant behaviour, and thus be more deserving of harsher punishment (Chaney & Robertson, 2013). Bryson (1998) discusses the “10 greatest myths about black men”, and among these are a few that are especially significant for my purposes: that African American men



are prone to be violent, that they cannot sustain stable relationships (implying general instability), and that they are usually endowed physically (p. 284). In particular, the first and last of these commonly held notions imply a physical threat to the population, despite them both being extreme over-generalisations that hardly come close to applying to every single African American man. Other ideas possessed by the public regarding black men emerged in the study as well: 57% of white participants felt that African American men resent other people, 55% believed that one must be careful what they say around African American men, and 56% reported feeling uncomfortable when associating with African American men (Bryson, 1998). This demonstrates the perceived hostility of black men by the white majority, and it is not a stretch to suggest that many white police officers may also feel the same way. Therefore, I argue that many of these police officers are more 'on edge' when dealing with an African American male on the job, and act accordingly towards them as perceived threats in an unconscious trigger-happy action that results in the loss of too many lives. However, it is important to emphasise that the attitudes towards African American men that cause this reaction in members of law enforcement are not independently developed racist attitudes. Rather, media representations help inform the notions that lead to white police officers being more on edge when confronted with an African American man on the job. When one's exposure to African American men has been limited to depictions of their criminality and physicality, the anxiety when being in their presence will inevitably be more extreme than if the suspect were white.

## **THE ROLE OF RESIDENTIAL SEGREGATION**

Because stereotypes are shorthand methods used to understand the social world, they are referred to quickly by the white population much like a schema (Eriksen, 2010). This rapid action makes it such that white police officers can justify killing based on the slightest perceived threat (Chaney & Robertson, 2013). Moreover, social and spatial distance from an ethnic group determines the likelihood of referring to a stereotype. As Kent and Carmichael (2014) argue, the higher the segregation of a city, the more likely someone is to hold an "erroneous stereotype" due to a lack of being exposed to minorities otherwise, except through the mass media (p. 232). Residentially, most urban areas are moderately to highly racially segregated (Chaney & Robertson, 2013), meaning it is safe to say that

white police officers on average do not come in regular contact with African American males outside of their profession. Therefore, they are more susceptible to relying on stereotypes they have internalised from the media—which, as I have demonstrated, is problematic in itself.

To determine whether segregation level of a given area has a real effect on instances of police violence, I examined quantitative data from the 2010 National Police Misconduct Statistics and Reporting Project on instances of police misconduct, and further compared it with census data on residential segregation (Logan, Stults, & Farley, 2004). In terms of the use of excessive force by the police (specifically in the United States), I have determined a positive relationship between how racially segregated a region is and the violence exhibited by its police force. For instance, in the largest 26 major cities, segregation levels of African Americans and whites are particularly high in Detroit (84.7%), New York City (81.8%), and Chicago (80.8%) (Logan et al., 2004, p. 10). The states in which police use the most excessive force are California, Texas, Illinois, Florida, and New York (Cato Institute, 2010), which hold many of the cities in which African Americans are most segregated from the rest of the population. This indicates that police may be drawing upon easily accessed racialised stereotypes on the job to justify their excessive force and violence. This suggests that because they do not engage in regular contact with African American men, they resort to harsher treatment on the basis of media representations of their criminality.

In the case of St. Louis, Missouri, (within which Ferguson is a suburb) African Americans and whites are also highly racially segregated (Rothstein, 2014). While racial boundaries in St. Louis are changing regularly through zoning laws, urban renewal programs, and other public policy, racial homogeneity in its communities persists (Rothstein, 2014). In fact, some schools in Ferguson are almost entirely racially homogenous, with rates as high as 90% African American. Meanwhile, Ferguson's police force is largely white, with 83% white officers who likely do not come in regular contact with African American men outside of their profession due to the segregated nature of St. Louis' suburbs (Ashkenas & Park, 2015). Thus, their attitudes towards African American men, and Darren Wilson's towards Michael Brown, are not likely derived from real life experience. Rather, they come from the negative impressions of African American 'violent' masculinity promoted by the media and circulated in public discourse.

## THE SELF-PERPETUATING NATURE OF THE STEREOTYPE

A cyclical pattern emerges in these stereotypical mechanisms. First, negative representations of African American males are seen in the media, which leads people to expect or anticipate them to be deviant, often without proof. Action is then taken based on these notions, such as police using excessive force disproportionately on African American men, positioning them as criminalised in the process. The media then harnesses the criminalisation of African American men as further evidence that they are in fact violent, and should thus continue to be depicted as such. These original messages are newly perpetuated by mass media, and the cycle repeats itself based on new unflattering depictions of African American men that activate preexisting stereotypes, but the *initial inaccuracy of the stereotype is never questioned*.

In addition, protesting against the effects of stereotyping is used against the African American populace for further stereotyping, which is yet another cyclical mechanism at play. Not only is an invented stereotype used to support initial police action in the events of brutality and violence, but it is also used in the depiction of protest that follows. African American public protest against police brutality is characterised as troublemaking, even in the case of peaceful protests. For example, protestors in Ferguson, Missouri who peacefully utilised the 'hands up don't shoot' gesture as a symbol of backing down and submissiveness were still characterised by the media as deviant (Apel, 2014). Black protest is thus seen as a form of violence rather than a right.

Majors and Billson (1992) provide some insights that point to a third way in which stereotypes of African American men are self-perpetuating, pertaining specifically to how they carry themselves. They argue that African American men, particularly teenagers like Michael Brown, adopt a "cool masculinity" as a means for surviving in a society that has a history of economically, politically, and socially restricting them in order to establish and present themselves using a hypermasculine identity (p. 29). This includes behaviours, clothing choice, language choice, and postures that manage an impression of pride and strength. This works as a defence mechanism against an oppressive society, a "toughness norm" that involves rough talk and aggressive posturing (p. 29). However, the very performance that serves as a defence against social oppression can become another basis for stereotyping, as the way in which African

American men present themselves is often the reason they are labelled as 'deviant thugs' in the first place and persecuted accordingly. In sum, these three self-perpetuating mechanisms serve to maintain African Americans as a subordinate group, stunting their social development in a systematic nature.

## CONCLUSION

Racial stereotypes about African American men are culturally indoctrinated and socialised in American culture (Bryson, 1998). White police officers too often assume African American men to be potential perpetrators that they are thus responsible for subduing, without any tangible evidence that these men are engaged in criminal behaviour. The increasing prevalence of murders of unarmed African American males at the hands of police can be explained by the latter's internalised stereotypes that they are aggressive, criminal, and therefore pose a potent threat. These ideas, perpetuated largely by the mass media, justify the use of deadly force when it is not necessary in order to detain a suspect. Moreover, these stereotypes function to justify the stark differences in privilege between African Americans and whites, rendering it logical, even 'reasonable' to treat the former more violently and with less dignity. However, there is nothing reasonable about the fact that Michael Brown will never attend college as he aspired, that Tamir Rice's mother will never see him grow up, or that Eric Garner's six children must now live fatherless, due to the unfortunate double-bind of occupying a space as both African American and male.

In the case of Ferguson, Darren Wilson is a mere symptom of a larger system of structural inequality. The brutal and unjustified actions of racist police officers are rooted in larger societal problems of media representation and segregation, which allow for racial stereotypes to develop, eventually manifesting themselves in the epidemic of police brutality. Police brutality against African American men must be viewed in its larger context of stereotypes that have been historically present since slavery, enforced by media, and catalysed by racial segregation. Attempts to break away from this systemic struggle for survival need to address the roots of racial and ethnic stereotyping. Residential integration and a radical transformation of the media are some of the ways that this can be achieved. More integration means less segregation, and thus less reliance on stereotypes perpetuated by the existing media outlets to conceptualise

African American males, resulting in less dependence on ideas provided by external forces that perpetuate their inaccurate generalisation. ▴

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# Contemporary Content of Rape Myths: Exploring the Online Discourse Surrounding Acquaintance Rape

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## ABSTRACT

Rape myth acceptance reflects the ways in which individuals tend to divert blame from male perpetrators of sexual assault onto female victims. Traditionally, rape myth acceptance has been primarily measured using self-report surveys. However, due to the impermanence of language and the prevalence of colloquial phrases used when discussing rape, it has been shown that self-report measures may be unreliable in attempting to uncover individuals' acceptance of rape myths. This study instead turns to a qualitative content analysis of existing textual data in the form of anonymous online comments in an attempt to extrapolate current attitudes and opinions concerning rape myths and victim blaming. The author found that both overt and covert rape myths persist. Overt rape myth acceptance explicitly serves to justify male sexual aggression against women, while covert or subtle rape myth acceptance is often mediated with sympathy for the victim. The comments pointed to the prevailing belief that alcohol plays a fundamental role in acquaintance rapes (rapes in which the assault is not perpetrated by a stranger). In general, it was found that commenters, whether displaying an overt or a covert acceptance of rape myths, primarily intend to shift blame away from the male perpetrators.

**Keywords:** *rape myths, rape myth acceptance, content analysis, victim blaming*



In attempting to understand society's conceptualisation of sexual assault, social scientists have often used the concept of rape myths as a tool to measure an individual's perceptions of rape, rape victims, and rapists (Burt, 1980). In the past 40 years, social scientists have produced an extensive body of research examining the role rape myth acceptance plays in people's understanding and discussion of rape. While the existing research has helped us begin to understand this relationship, the complex nature of beliefs and attitudes regarding rape makes it difficult to accurately measure rape myth acceptance.

More recently, researchers have been critiquing the way rape myths have been typically studied, pointing to the invalidity of measures used and the tendency of studies to reveal only common sense or circular relationships; for example, it has been found that men who prioritise traditional gender roles are more likely to accept rape myths (Payne, Lonsway, & Fitzgerald, 1999). Due to phenomena such as social desirability and the ever-changing colloquial language used to discuss rape, traditional self-report methods may not be able to accurately illustrate the contemporary content and significance of rape myths. In order to address these limitations, the present study aims to extrapolate contemporary attitudes regarding rape without the use of self-report measures. Instead, the present study examines public comments made on online news articles regarding acquaintance rape in an attempt to uncover contemporary attitudes that may contribute to rape.

### **Defining Rape Myth Acceptance**

Common rape myths include: rape must be committed by a stranger; women enjoy rape; rape can only happen if the woman is willing; women lie about being raped; and women who are intoxicated or dressed in revealing clothing desire or deserve to be raped (Burt, 1980). Burt (1980) first defined rape myth acceptance (RMA) as "prejudicial, stereotypical, or false beliefs about rape, rape victims and rapists" (p. 217). Lonsway and Fitzgerald (1994) revised this definition in order to align the definition of rape myths more closely with the definition of myths in general. The three main components of a myth are commonly understood to include (1) widely held false beliefs, (2) an explanation of an important cultural phenomenon, and (3) a justification of an existing social arrangement (Lonsway & Fitzgerald, 1994). Given these guidelines, they redefined rape myths as "attitudes and beliefs that are generally false but

widely and persistently held, and that serve to deny and justify male sexual aggression against women” (p. 134). Using this definition, the current study identifies rape myth acceptance based both off of Burt’s (1980) original laundry list, but also more broadly to include other beliefs or attitudes which deny or justify male sexual aggression against women.

### **Challenges in Measuring Rape Myth Acceptance**

Beginning in the late 1970s, sociologists began to construct measures of rape myth acceptance. In 1978, Field (1978) created the Attitudes Toward Rape Scale (ATRS) and in 1980, Burt created the better known and widely used Rape Myth Acceptance Scale (RMAS). At least 22 other scales have been made in the past 20 years, generally either adapting or modifying the ATRS or RMAS (Lonsway & Fitzgerald, 1994). However, there is a lively community of sociologists and feminists critiquing the effectiveness of these RMA scales. Some research using self-report measures of RMA has shown that belief in rape myths is decreasing (Edwards, Turchik, Dardis, Reynolds, & Gidycz, 2011; Hinck & Thomas, 1999). However, it has been hypothesised that these results are due to a floor effect created by an individual’s tendency to seek social desirability and their recognition that sexual aggression is not socially acceptable, rather than a true cultural change in attitudes (Buddie & Miller, 2001; Edwards et al., 2011; Frazier, Valtinson, & Candell, 1994; Lonsway & Fitzgerald, 1994). The current study aims to address this particular limitation of self-report measures by studying online comments. Given the anonymous nature of comment sections on newspaper articles, research has shown that individuals tend to display less impression-management and may be more likely to contribute to the conversation even if they recognise that their opinion is not socially acceptable (Lara-Millan & Onasch, 2011; Rosenberry, 2011). Additionally, because online commentators are not restricted to answering a set of survey questions, they have a chance to engage in impression-management and express acceptance for rape myths within the same comment (for example, asserting that if the victim had been sober the sexual assault would not have occurred while also explicitly saying that one should not blame the victim). Studying textual data allows for more flexibility than do self-report measures.

### **Impermanence of Language and Colloquial Phrases**

In addition to the confounding variable of social desirability, critics of

RMA measures have pointed to the lack of consistency in language and definitions used among researchers (Edwards et al., 2011; Lonsway & Fitzgerald, 1994; McMahon & Farmer, 2011). Because language and colloquial phrases surrounding rape myths change over time and space, developing a long-lasting effective measure is nearly impossible. The nature of rape myth acceptance and its necessary attachment to society and culture does not lend itself to the creation of a dependable and enduring measure. Given this, the current study has decided to take a qualitative approach to studying rape myths by studying existing text where such colloquial language is likely to be found.

Related to the issue of outdated language is the emergence of covert rape myth acceptance (in contrast to overt beliefs regarding rape myths). This cultural shift from overt to covert and subtle rape myth acceptance is illustrated by legislation such as the rape shield law which prevents defence attorneys from entering a victim's sexual history as evidence in a rape trial. According to McMahon and Farmer (2011), although women are often no longer blatantly blamed for their assault, they are still held at least somewhat responsible for the attack. What has changed is the *language* used to talk about the assault. RMA scales are not able to measure this nuanced form of rape myth acceptance. Conversely, online anonymous comments give commentators room to flush out these subtle rape myths as the free-writing style of online comments provides much more room for subtlety than a Likert scale type self-report measure.

### **Online Anonymity**

In the past two decades, the Internet has taken an increasingly dominant role in our lives. The Internet has played an especially vital role in the metamorphosis of news media. Many large- and small-circulation newspapers boast a website to which they post most, if not all, of their content. Some newspapers are shutting down the printers entirely and posting their articles exclusively to the Internet. According to one researcher, newspapers have long held the "ability to communicate collectively relevant issues to large audiences and to facilitate the formation of public opinion" (Weber, 2014, p. 942). This ability for newspaper journalists to quickly and efficiently communicate information to a large group of people has only been amplified with the introduction of the Internet. National news sources such as *The New York Times* and

*Huffington Post* provide content free of charge, readily available to any individual with an Internet connection and a desire to be informed. The Internet has changed the way society interacts with news articles by way of the comment section. Newspapers have long stood as public forums (via opinions and letters to the editor); however, the Internet has radically expanded the way newspapers act as public forums (Rosenberry, 2011). In the past, newspaper articles were largely a one-way flow of communication between the journalist and the reader. However, when articles are posted online, along with the option for readers to comment on the posts anonymously, the communication is suddenly fluid and multi-directional.

Comments sections on online news articles are ideal for a study of honest beliefs and attitudes due to a lack of impression-management that occurs due to its anonymous nature (Lara-Millan & Onasch, 2011; Rosenberry, 2011; Weber, 2014). When posting comments online to a public forum attached to a news article, individuals post under a handle. Rosenberry (2011) suggests that this guaranteed anonymity leads to reduced inhibition, greater participation, presence of more varied opinions, a lack of embarrassment among individuals, and less conformance pressure, thereby creating livelier and more candid discussions.

The primary goal of the present study is to study contemporary attitudes surrounding rape using a data source other than self-report measures. In order to accomplish this goal, the study is turning to new technology in the form of anonymous online comments. In doing so, I am attempting to take an in-depth look at the current presence and salience of attitudes towards sexual assault (including belief in rape myths) and how they have changed over time. I ask the following questions of online discussions regarding acquaintance rape: In what ways are overt rape myths present? In what ways are covert or subtle rape myths present? To whom do commentators attribute blame for the sexual assault? And finally, how does empathy for the victim interact with the acceptance of rape myths and victim blaming?

## METHODS

The study was conducted using qualitative research methods on existing text. The text consisted of comments found online in response to news articles covering rape cases. The articles were each reporting on one of two notorious rape cases: the Steubenville Rape Case and the Maryville Rape Case. The Steubenville Rape Case occurred in Steubenville, Ohio, and

involved the rape of an unconscious, intoxicated teenage girl by two teenage boys at a high school party. The boys were accused of penetrating the girl with their fingers and filming the event (Oppel, 2013). The Maryville Rape Case occurred in Maryville, Kentucky, and involved rape of an unconscious, intoxicated teenage girl by her teenage boyfriend. The boy was accused of providing the girl with alcohol, raping her, and then leaving her out in the snow (Leopold, 2013). I was interested in acquaintance rapes in particular because they feed into a certain rape myth: that rape only occurs between strangers. These two rape cases were selected based on the similarity of their narratives and their national news coverage, allowing me to access a large sample of comments. Both rape cases occurred in small Midwestern American towns and involved alcohol, the victims were both teenage girls, and the perpetrators were all teenage boys who had been acquainted with the girls before the night of the crime. Additionally, both cases gained national exposure thanks to the Internet vigilante group Anonymous who leaked a video or pictures of the sexual assault in both cases (Leopold, 2013). Because of this, national news sources such as *The New York Times* and *CNN* reported on the cases; this led to a wealth of online comments to be analysed. I chose to analyse online comments because of their prevalence in online discourse, the transparency within them, and the ease of access. Due to the dynamic nature of rape myths and the prevalence of colloquial language, the Internet provides a wealth of relevant textual data as it is constantly being updated. In one case (the Steubenville Rape Case) the perpetrators were convicted while in the Maryville Rape Case the perpetrator was acquitted.

For each case, articles were selected from two online news sources. The number of articles selected was based on the number of comments available in response to each article; in the end a minimum of 500 comments were gathered for each rape case. The first article regarding the Steubenville Rape Case came from *The New York Times*, and was published after the conviction of both perpetrators.<sup>1</sup> There were 1,099 comments published. The article was chosen from *The New York Times* because of the wealth of comments it offered. The second article regarding the Steubenville Rape Case came from the *Herald Star*, Steubenville, Ohio's local newspaper.<sup>2</sup> This article was published one year later than the

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1 Article URL: <http://www.nytimes.com/2013/03/18/us/teenagers-found-guilty-in-rape-in-steubenville-ohio.html>

2 Article URL: <http://www.heraldstaronline.com/page/content.detail/id/594109/Richmond-freed-from-facility.html>

first, and contained 18 comments. The article was chosen from the *Herald Star* because it is a local newspaper and I wanted to attempt to access opinions of those who actually lived in the town where the assault occurred. The first article regarding the Maryville Rape Case came from KCUR.org, a Kansas radio station, and was published in July of 2013, about one year after all charges against the accused rapist were dropped.<sup>3</sup> The article contained 150 comments. This article was chosen because it was located in the same state as where the alleged sexual assault occurred. The second article regarding the Maryville Rape Case came from *CNN* and was published in October of 2013, after the case once again came into the public eye.<sup>4</sup> In October of 2013 the hacker group Anonymous demanded that the authorities take a second look at the case (Leopold, 2013). This article was chosen because it contained a wealth of comments compared to other articles regarding the same case. The article contained 358 comments.

All 1625 comments were copied and pasted onto a Microsoft Word document and ordered according to the source from which they originated. All comments were read through and divided into classes using Strauss and Schatzman's (1973) inductive method. I initially read through the document and labelled relevant comments with classes as they emerged from the data. Classes were defined as regularly emerging categories or patterns. Reading through the comments, I ignored those that did not contain victim blaming or rape myths and only coded those that did contain such themes. Comments were determined to be free of victim blaming and rape myths if they were purely sympathetic toward the victim, did not mention the victim, or were not regarding rape at all. After labelling all relevant comments with a class, comments from each certain class were copied and pasted onto a separate Microsoft Word document so that all comments from each class were located in one place. Finally, I identified properties of each class by examining each comment line by line. The following four classes were identified: *Reducing Perceived Injury*, *Overt Rape Myth Acceptance*, *Subtle Rape Myth Acceptance*, and *Diffusion of Blame*.

### **Reducing Perceived Injury:**

#### **Minimising the Crime and Undermining Victim Trauma**

According to Burt (1980), "the hypothesized net effect of rape myths is

3 Article URL: <http://kcur.org/post/why-was-maryville-rape-case-dropped>

4 Article URL: <http://www.cnn.com/2013/10/16/tech/web/anonymous-maryville-rape-case>

to deny or reduce perceived injury or to blame the victims for their own victimization" (p. 217). Denying or reducing perceived injury to the woman who experienced the sexual assault allows an individual to undermine the trauma undergone by a victim, thereby pardoning the perpetrator for their actions on some level. One way in which this effect of rape myths was illustrated in the online comments was through the minimisation of the rape itself. This theme seemed especially prevalent in the Steubenville Rape Case. The first way this class emerged was through commentators attempting to reduce the perpetrators' actions to something less severe than rape. Bear in mind that, at the time the comments were published, both boys had already been convicted of rape. One commenter laments:

It is unfortunate that [this] incident has become overblown. [...] Rape is unique among crimes as it depends on whether the "victim" gave "consent." [...] In this case the woman was said to be too drunk to be able to legally consent, but how drunk is that [...]. Everyone would agree that forcible stranger-on-stranger rape should be prosecuted to the fullest extent of the law. However in more ambiguous situations, particularly those involving the volatile combination of youth and alcohol prosecutors should show constraint.

Here, we see the commenter constrain their definition of a prosecutable rape to that outlined by the traditional rape scripts described in studies by Littleton (2011) and Maxwell, Robinson, and Post (2003). Such rape scripts are comparable with rape myths that do not allow for the possibility of rape outside of the context of a violent stranger-stranger interaction. We see this myth being reproduced in the above comment, as the commenter casts doubt upon whether or not the convicted perpetrators truly committed rape. The implied conclusion is that, since alcohol was involved in the incident, the boys did not in fact commit rape. Additionally, by placing the words 'victim' and 'consent' in quotations, the commenter seems to be minimising the importance of consent in a sexual encounter, especially when the woman is drunk. The commenter also seems to be questioning the 'victim' status of the woman who was raped.

In a similar way as the above commenter, many others engaged in an attempt to reduce the perceived injury to the victim by negating or understating the trauma she endured. One commenter says:

The victim lost some dignity and was violated. [...] She is physically unharmed. She can heal with time and care. [...] No one died. No one is ruined for life. One bad incident does not define these kids ...

In this comment, we see the 'rape as a trivial event' myth (as identified by

Payne et al., 1999) reified as the commenter downplays the seriousness of the assault. The commenter is simultaneously understating the trauma experienced by the victim (who may carry the emotional weight of her rape on her shoulders for the rest of her life) and showing misplaced compassion for the perpetrators. Both of these sentiments lift the burden of the crime off the shoulders of the perpetrators. The language used essentially equates the victim's experience to that of the perpetrators. Both the victim and the perpetrators are referred to as "kids," referencing the cultural narrative that 'boys will be boys,' and that the event was nothing more than typical teenage antics.

### **Overt Rape Myth Acceptance**

The literature tells us that people are less likely to overtly accept rape myths than they might have been in the past (Frazier et al., 1994; Hinck & Thomas, 1999; McMahon & Farmer, 2011). Despite this, the data revealed some instances of what I consider to be unadulterated rape myths in comments regarding both of the rape cases. Comments containing overt rape myth acceptance almost always spoke to the rape victim's intoxication at the time of the sexual assault:

Daisy is just as guilty as Matt is. She put her self in the situation. She is the one that drank at her house, and sneaked out of her house to be with a guy her brother told her not to talk to.

and

... How did this (her being that drunk) happen? Where were her parents?? What is a 16-year-old – female or male – doing at a party where alcohol was present? The bottom line is that if she hadn't been so drunk she wouldn't have been raped. Our young women need to stop dressing like hookers, to stop being 'teases', and to stop drinking as much as 'one of the guys'. A lot of parents these days are not raising their daughters to be respectable.

In both of these examples we see an unflinching assignment of blame onto the victims. Both commentators assert that, had the victim been sober, she would not have been raped. The second commenter explicitly claims that "if she hadn't been so drunk she wouldn't have been raped," completely ignoring the role of the perpetrators in the act. Rape does not only occur when a woman is drunk. The boys raped the girl because they are rapists. The girl being drunk bears no weight on their actions. The notion that the girl's intoxication was the sole reason for the assault excuses the male perpetrators from any blame whatsoever.

Furthermore, many comments that included straightforward rape



myth acceptance related to the 'she wanted it' rape myth. In their 2011 study, researchers McMahon and Farmer excluded the 'she wanted it' rape myth from their study, assuming that it was too overt of a rape myth to be relevant to the modern-day college-aged population that they were studying. Unfortunately, the current study did uncover clear examples of the 'she wanted it' rape myth:

... the girls were already drinking long before they had arranged for the guys to come pick them up once they had snuck out. [...] I'm simply saying that the girls clearly snuck out of the house and arranged to hang out with the guys with an intent of doing something. Do you honestly believe that any high school teenager who has already been drinking and sneaks out of the house to hang out with the most popular jocks in the school just to "hangout."?

Although never stated explicitly, I would argue that the above commenter means to not so subtly insinuate that the female victims were intending on having sex with the boys that night. This is a direct regurgitation of the 'she wanted it' rape myth.

Similarly, the following comment not only assumes the victim wanted to have sex with the perpetrator, but also expresses acceptance of the 'women lie about being raped' myth:

Defenseless from what? She was a 14 year old binge drinking teenager fresh out of puberty who wanted that football boyfriend... when she couldn't have that she started whining rape. Now she's found some man-hating press management to turn her story into an even bigger lie.

Here, we see the commenter explicitly accepting at least two rape myths ('she wanted it' and 'she lied'). Although rates of overt rape acceptance are declining, it may be that on the Internet (where anonymity is forefront), individuals are more willing to express their acceptance of rape myths without fear of social rejection.

### **Subtle Rape Myth Acceptance**

McMahon and Farmer (2011) found through their research that, although women are no longer often blatantly blamed for their sexual assault, they are still thought to have contributed to their assault in some way. This theme of subtle rape myth acceptance recurred throughout comments regarding both of the rape cases. The subtle rape myths were often accompanied by explicit self-censorship mediated by awareness that acceptance in rape myths is no longer socially acceptable (Frazier et al., 1994). In the case of the Steubenville Rape Case, much of the discourse was centred on the coinciding themes of pity for the victim and assertion that she could

have done something more to avoid the rape. One commenter questions:

Did they make her drink that much? Was that the first time she ever got drunk? If if not, she's not entirely innocent. She did not take care of HERSELF. *That doesn't excuse the boys, but* [emphasis added] girls need to accept some responsibility for staying out of these situations.

The italicised portion in the comment above highlights a paradigm among comments accepting rape myths in a subtler manner. I call this trend the 'I know, but...' statement, and it reveals itself above when the commenter acknowledges that the perpetrators were at fault, and yet still places a share of the blame on the victim. In this example, the commenter is alluding to the rape myth 'she was asking for it,' implying that by being drunk the girl was knowingly making herself vulnerable to sexual assault. This seems to be a form of subtle rape myth acceptance. Although the commenter does not explicitly state an acceptance of the 'she was asking for it' myth, they do indirectly reference it. This may be a conscious effort to dull the commenter's actual explicit acceptance of the rape myth. Alternatively, it may be a reflection of the way that rape myths are circulated more covertly today. The 'I know but...' trend is similarly reflected in the following comment:

What was that 16 yrs. old girl doing drunk beyond conciousness [sic]?? *I'm not saying the rape was her fault, but* [emphasis added] it makes things so much easier to happen, doesn't it?

Again, this subtle acceptance of a rape myth is further informed by the commenter's recognition that victim blaming is not socially acceptable. In the same comment that they assign responsibility to the victim they also recognise the guilt of the perpetrators.

'I know, but...' statements may also be understood through research done by Dietz Blackwell, Daley, & Bentley (1982) through their implementation of the Rape Empathy Scale.<sup>5</sup> The researchers proposed two possible explanations for the apparent paradox they encountered in individuals who seemed to both accept rape myths and recognise the adverse effects of sexual assault on victims. One of the possible explanations they offer for this contradiction is that an individual could very easily recognise that a rape victim will suffer while simultaneously blaming said victim for what happened to them. In this way, rather than attitudinal ambivalence, these individuals are actually displaying one type of subtle rape myth acceptance. Again, their acceptance of the rape myth is mediated and shaped by the individual's awareness of the

5 Dietz et al. (1982) conducted a study with college students in which they were asked to reflect on a fictional account of a female sexual assault victim. The researchers found that many of the participants sympathised with the victim while also indicating that she could have somehow prevented her attack.

rising disapproval of blaming the victims of sexual assault for their attack. For example, the commenter below says of the Steubenville Rape victim:

The girl has paid a terrible price for her foolishness and alcohol use/abuse. Her actions have consequences for her, as well. I do not accuse her at all. [...] i say she has paid terrible consequences for those things.

Here, the commenter is recognising that the victim has “paid a terrible price,” which acknowledges the trauma she went through. However, at the same time, the commenter is placing blame for this consequence on the victim herself.

Another type of subtle rape myth acceptance that emerged in the comments involved themes of the need for women to maintain constant vigilance. Hidden behind a seemingly benevolent façade, such comments imply that if a woman is not doing everything she can to prevent sexual assault, such as wearing modest clothing, staying sober, and avoiding any situation where she may become vulnerable, she is at least partially to blame for her rape. Many commentators lamented the gravity of the crimes and condemned the perpetrators while also encouraging young women to be more careful and vigilant than the victims were:

These young men did an awful thing and deserve punishment. As women we should take the responsibility to have enough self-respect that we don't, by our own actions – eg drinking until we are incapable – place ourselves in dangerous situations.

In this example, the commenter implies that, had the victims been more vigilant, their rape may not have occurred. Note that the above comment is not as voracious nor as direct in its victim blaming as other comments regarding the intoxication of the victims (and classified as overt acceptance of rape myths). Conversely, this comment subtly reinforces the belief that women bear responsibility for avoiding sexual assault.

### **Diffusion of Blame**

Somewhat outside the realm of the traditional conceptualisation of rape myths lies another pattern that also serves to reinforce harmful perceptions regarding sexual assault. I define this pattern as the diffusion of blame, and it refers to a tendency in the comments to blame almost anyone or anything other than the perpetrators for the rapes. Unlike traditional rape myths which serve to displace blame only onto the victim, the diffusion of blame goes beyond the two (or more) individuals directly involved in the sexual assault to find new targets on which to place blame; these targets may include parents and other adults, alcohol, bystanders, *et cetera*.

This finding suggests that use of the traditional rape myth paradigm when studying cultural perceptions of sexual assault may be too restricting and unrepresentative of contemporary beliefs and attitudes surrounding rape. The comments revealed blame being diffused into the parents of the victims:

How does a girl end up hanging around and riding around with boys all night long without chaperon or parental supervision? If this was my daughter, and god forbids her reality be visited by such a gruesome act, I will be sounding the Amber alert at 10:00 P.M when she broke curfew. I will have already crash many of these parties looking for her... The judicial system cannot substitute for bad parenting. And those who condemn the boys without so much of iota of responsibility place on the girl are wrong, They are wronging our daughters; it is social and judicial rape itself.

Here we see a more traditional rape myth (the girl bears responsibility for the rape) interacting with this more generalised or broad diffusion of blame (condemning the parents of the victim for not doing enough to bring their daughter home before the rape could occur). This shows that a complete overhaul of our current understanding of rape myths may not be necessary, but rather it may be helpful to look at rape myth acceptance as it is coupled with what may seem like more benign forms of commentary. For instance, while it may seem harmless to suggest that parents should keep better watch over their daughters, in a discussion regarding rape it only serves to divert the assignment of blame away from the perpetrators.

In a similar way, many of the comments addressed what is perceived to be the vital role of alcohol in both the Steubenville and Maryville Rape cases. In fact, in many comments, it was implied that had none of the teenagers been drinking alcohol, the sexual assaults would not have occurred in the first place. It is important to note here that these comments not only address the intoxication of the victim, but also of the perpetrators and bystanders. In this way, these comments go beyond a simple blaming of the victim for being drunk and begin to shade into the territory of minimising the responsibility of the perpetrators (since they were drunk they shouldn't be held accountable) as well as redirecting blame to an object or concept: alcohol.

Three lives ruined. Binge alcohol drinking leaves judgment behind. We glorify this type of behavior and just shake our heads – kids will be kids. No doubt rape of a defenseless girl was a horrible thing. But it is too easy to be self-righteous about football players etc. There are other issues that we need to address in all of this. Drinking by kids whose brains are still developing can result in big

problems in the short term such as what happened here and in the long term damage that it can do to their brains. [...] Three lives ruined and for what. There is no good that comes of any of this.

Here we see several factors at play. Firstly comes the denunciation of alcohol. According to this comment and many others like it, the rape would not have occurred if it weren't for the terrible effects alcohol has on young developing brains. Furthermore, the commenter displays pity for the perpetrator, saying "three lives ruined and for what," neglecting to differentiate their experience from the victim's. Blame is lifted off their shoulders (and onto the metaphorical shoulders of alcohol) and they are simultaneously pitied and made out to be victims themselves. Again, in this comment appears an 'I know, but...' statement, showing that the commenter is aware of the trauma rape inflicts and of the fact that rape myth acceptance is seen as somewhat deviant in contemporary society, and yet they still display a displacement of blame for the assault.

## **DISCUSSION**

This study is not meant to be a comprehensive examination of all the ways in which rape myths are understood and reproduced in contemporary culture, but rather a preliminary look at the content of contemporary rape myths surrounding acquaintance rape, especially as found in online comment sections. It was found that, despite studies using self-report measures that may find different results, overt rape myths still seem to be circulating. However, in agreement with the literature, it was also found that subtle rape myths abound, and that traditional rape myths are often put in dialogue with less overt forms of misogyny and displacement of blame (e.g. commanding women to be constantly vigilant, or placing blame on the victim's parents).

One major finding was the repeated mention of the effects or consequences of alcohol consumption in the comments. Both of the rape cases discussed involved alcohol, and so it makes sense that many of the comments would address this issue, especially considering the close relationship between rape myths and alcohol. Traditionally, although 'she was drunk' has not necessarily been identified as an independent rape myth, that sentiment has been present in rape myths such as 'she was asking for it' or 'she wanted it.' However, in line with conclusions made by McMahon and Farmer (2011), the results of the current study would indicate that moving forward, the drunkenness of both the victim and the

perpetrator should be construed into their own categories. The current study saw alcohol functioning in two ways: firstly, being used to directly blame the victim for her drunkenness and therefore her assault. This connection is perhaps more commonly found in literature concerning rape myths, and reflects an overt acceptance of rape myths such as 'she was asking for it' or 'she wanted it.' However, the second way that this study saw alcohol functioning is as a means of diffusing the blame from the perpetrators to other people and inanimate objects such as alcohol. This is highly reflective of the ways in which individuals express a covert acceptance of rape myths. By saying:

I wonder where the minors got the alcohol and if the adult provider will face criminal charges. Remove alcohol from the equation and nothing would have happened.

the commenter is not directly blaming the victim for being intoxicated, nor are they explicitly excusing the perpetrators for their actions. That being said, by saying "[r]emove alcohol from the equation and nothing would have happened," the commenter is diverting blame for the incident away from the perpetrator.

This study found examples of both overt and subtle rape myth acceptance. Despite reports that acceptance of overt rape myths is waning (Chapleau & Oswald, 2010; Hinck & Thomas, 1999; McMahon & Farmer, 2011), the present data would challenge this assumption. The discrepancy between the literature and the current study may be explained by the source of data: while the current study used anonymous online comments, the majority of other studies have used self-report measures or focus groups. Because of the probable unreliability of self-report measures (Edwards et al., 2011; Lonsway & Fitzgerald, 1994; McMahon & Farmer, 2011) and the intimate nature of focus groups, individuals involved in these studies may have been censoring themselves due to a "newfound awareness that sexual aggression is socially unacceptable" (Hinck & Thomas, 1999, p. 763). On the other hand, the present study makes use of online comments; the commentators are able to post freely while maintaining their privacy and anonymity, thereby reducing impression-management and conformance pressure (Lara-Millan & Onasch, 2011; Rosenberry, 2011). It is possible that the online comments contain an unexpected number of overt rape myths due to the lack of inhibition the commentators feel, allowing them to express their controversial opinions freely and honestly.

This study also explored the somewhat complicated nature of subtle rape myth acceptance. Unlike overt rape myth acceptance, subtle rape myth acceptance often serves to divert blame from the perpetrators without entirely persecuting the victim. In other words, many commentators displaying subtle rape myth acceptance blamed the victim's parents or alcohol for the assault, excusing the perpetrators without placing blame directly onto the victim. It may also reveal itself in the form of minimising the assault or undermining trauma experienced by the victim. Furthermore, in other forms of subtle rape myth acceptance, victim blaming is present but mediated by the commenter's attempt to veil their belief. I have defined comments containing this trend as the 'I know but...' statement, which reflect an understanding by the commenter that overt rape myth acceptance and victim blaming may no longer be socially acceptable.

This study is limited in various ways. Firstly, more research must be done in order to determine whether online anonymous comments are truly representative of cultural beliefs and attitudes, or whether these comments are solely reflective of a few extremists who are passionate enough to take their opinions to the Internet. While the anonymous newspaper comment forums allow individuals to let down their guard and speak their opinion with reduced inhibition, it may also be true that the anonymous format leads people to exaggerate their own thoughts and ideas simply to antagonise other commentators (Erjavec & Kovačič, 2012). In this manner, although a review of anonymous online comments provides us with some illumination as to what the current online discussion regarding rape myths looks like, it may not provide an accurate reflection of societal attitudes as a whole. ▀

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## APPENDIX

### Table of comments used in paper & corresponding article.

Media Source	Comment Excerpt
<i>New York Times</i>	It is unfortunate that incident has become overblown. Not only have two young lives been ruined as a result but an ambitious prosecutor has signaled his intent to seek still more blood. Rape is unique among crimes as it depends on whether the "victim" gave "consent" (it is presumed that nobody ever consents to be mgged or murdered) Since women who voluntarilly engage in sexual intercourse rarely sign a consent document in boiler plate legalese, or even verbally say " I consent to have sexual intercourse with you". consent or lack thereof must be inferred from the woman's behavior, did she persistantly say no, did she voluntarilly remove her clothes did she cooperate in the act itself, did she fight back. Needless to say, the same type of behavior can have different interpretations The situation is further complicated when alcohol is involved. In this case the woman was said to be too drunk to be able to legally consent, but how drunk is that, one beer, 3 beers, blood alcohol above the legal limit for deriving, passed out and



unconscious?. One must be particularly cautious about the woman who gets drunk one night and says "yes" and then when sober the next morning, decides that she really meant to say "no" Everyone would agree that forcible stranger-on-stranger rape should be prosecuted to the fullest extent of the law. However in more ambiguous situations, particularly those involving the volatile combination of youth and alcohol prosecutors should show constraint.

A terrible fate for all concerned. The perpetrators, the young woman, families, community. But to all who post here, an observation and questions: The victim lost some dignity and was violated. A horrible incident. She is physically unharmed. She can heal with time and care. The boys (yes, boys) are dumb as boys can be. But clearly as contrite as they can be by their reaction in the courtroom. So, for all involved, where is a hint of forgiveness? Where is an attempt to heal this community and these young kids with an example of love and reconciliation? Why is revenge the only game in town? No one died. No one is ruined for life. One bad incident does not define these kids. Why is there no brave adult to stand up and show the way back to harmony and to bringing the parties to a place of mutual respect and humanity? Why do we automatically shut down our ability to forgive and make something positive out of something wrong? It's not as hard as we make it out to be.

That these young men raped this young girl is sickening. What are we teaching our young men these days? And the boys' lack of remorse is frightening. No woman, under any circumstances, 'deserves' to be raped. A prostitute doesn't deserve to be raped. No matter what, these young men should have known better. But this young woman was drunk to the point where she can't remember anything. How did this (her being that drunk) happen? Where were her parents?? What is a 16-year-old -- female or male -- doing at a party where alcohol was present? The bottom line is that if she hadn't been so drunk she wouldn't have been raped. Our young women need to stop dressing like hookers, to stop being 'teases', and to stop drinking as much as 'one of the guys'. A lot of parents these days are not raising their daughters to be respectable.

Did they make her drink that much? Was that the first time she ever got drunk? If not, she's not entirely innocent ... she did not take care of HERSELF. That doesn't excuse the boys, but girls need to accept some responsibility for staying out of these situations.

I also consider the punishment fair, but...what was that 16 yrs. old girl doing drunk beyond consciousness?? I'm not saying the rape was her fault, but it makes things so much easier to happen, doesn't it?

Actions have consequences and these young men and the young girl are learning this lesson a little late in life. Yes, late. I don't believe sympathy is warranted at all for the young men in the case, apologies notwithstanding. The girl has paid a terrible price for her foolishness and alcohol use/abuse. Her actions have had consequences for her, as well. I hope she has learned that.

These young men did an awful thing and deserve punishment. As women we should take the responsibility to have enough self respect that we don't, by our own actions - eg drinking until we are incapable - place ourselves in dangerous situations.

So should the girl's story, her role in projecting this vulnerability. These problems will never be adequately addressed until we seek aggregate solutions, which include addressing every participant in these gruesome acts. How does a girl end up hanging around and riding around with boys all night long without chaperon or parental supervision? If this was my daughter, and God forbids her reality be visited by such a gruesome act, I will be sounding the Amber alert at 10:00 P.M when she broke curfew. I will have already crash many of these parties looking for her... The judicial system cannot substitute for bad parenting. And those who condemn the boys without so much of iota of responsibility place on the girl are wrong. They are wronging our daughters; it is social and judicial rape in itself.

Three lives ruined. Binge alcohol drinking leaves judgment behind. We glorify this type of behavior and just shake our heads- kids will be kids. No doubt rape of a defenseless girl was a horrible thing. But it is too easy to be self-righteous about football players etc. There are other issues that we need to address in all of this. Drinking by kids whose brains are still developing can result in big problems in the short term such as what happened here and in the long term damage that it can do to their brains. And what to make of kids who are more interested in taking pictures and tweeting them to their friends and family than helping stop these horrible events. Three lives ruined and for what. There is no good that comes of any of this.

If a mountain lion attacks someone along a mountain trail, we just don't hunt down and destroy this man killer, we also place warning along the trail for future explorers to act responsibly and take heightened caution because of the presence of mountain lions.

	<p>This same logic should apply here...</p> <p>I wonder where he minors got the alcohol and if the adult provider will face criminal charges. Remove alcohol from the equation and nothing would have happened.</p>
CNN	<p>Daisy is just a guilty as Matt is. She put her self in the situation. She is the one that drank at her house, and sneaked out of her house to be with a guy her brother told her not to talk to.</p> <p>No Einstein, If you actually read the full article on STAR, you would read that the girls were already drinking long before they had arranged for the guys to come pick them up once they had snuck out. Im not saying that drunk girls are fair game. Im simply saying that the girls clearly snuck out of the house and arranged to hang out with the guys with an intent of doing something. Do you honestly believe that any high school teenager who has already been drinking and sneaks out of the house to hang out with the most popular jocks in the school just to "hangout."? not too mention where are the parents in the whole situation? why are they not being mentioned at all by the mainstream seeing how they were home at the time the girls were drinking and at the time they snuck out. These girls IMO are being made out to be angels by the media and their wrong doing has been easily missed by many.</p> <p>Defenseless from what? She was a 14 year old binge drinking teenager fresh out of puberty who wanted that football boyfriend...when she couldn't have that she started whining rape. Now she's found some man-hating press management to turn her story into an even bigger lie.</p>

# **'Custody and Treatment': A Critical Legal History of Institutionalisation in British Columbia**

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## **ABSTRACT**

The Woodlands school was one of several institutions across Canada, including residential schools and psychiatric hospital sites, that institutionalised 'disabled' individuals from the late 1800s onwards. This paper details the settler colonial history of psychiatric and medical institutionalisation that laid the groundwork for classification and isolation of people with developmental (dis)abilities. Using the conceptual frameworks of critical legal theory, critical disability studies, and feminist methodologies, this paper situates itself within the site and history of the Woodlands school, tracing the institution's relationship to the legal annals of the province of British Columbia. By deconstructing the institutionalised character of the 'disabled subject,' this paper seeks to theorise a Foucauldian approach to studies in ableism and historical methodologies. A textual analysis of provincial and federal acts from 1872 to 1964 details the legislative history leading up to the Woodlands class action suit. This paper surveys three key periods: 1) the settler colonial history leading up to and including the creation of the New Westminster asylum; 2) the institutional processes that led up to the official opening of the 'Woodlands School' in 1951; and 3) the development of the Woodlands institution in 1951. Findings suggest that the construction of an 'intellectual class' in the nation-state of Canada was guided by medico-legal mechanisms. The paper identifies discourses regarding 'mental capacity' and power as they relate to the history of institutionalisation.

The Woodlands school was one of several institutions across Canada, which included residential schools and psychiatric hospitals, that institutionalised individuals starting in the late 1800s (Ferguson, 2002). In British Columbia, institutions—or sites of confinement determined by public and government interests—were largely developed by the legislative assembly and provincial law-makers. The first act targeting ‘insane’ or ‘mentally deficient’ individuals in BC was passed in 1872, known as the British Columbia Lunacy Jurisdiction Act. Developments such as provincial economic expansion, the endorsement of psychiatric systems, and other projects of nation-state building would contribute to the increasing medicalisation of (dis)abilities in BC well into the late 20th century; the last residents of the Woodlands school were transitioned out of the institution in 1996 (McCallum, 2001). This extensive history suggests that discourses of physical and mental ability can be traced through these judicial realms, asylum knowledges, and settler colonial processes. In order to better understand the relationship between the mechanisms of law and psychiatry in BC, this paper is guided by the following research questions: How was the history of the Woodlands school influenced by legislative discourses and texts? What was the relationship of the settler colonial province and its medical institutions in constructing and institutionalising people with disabilities? How has institutional violence rendered individuals and communities as products of the psychiatric state?

I argue that discussions of developmental (dis)abilities<sup>1</sup> are predominantly framed by mechanisms of knowledge and power, which classify and legislate the lives of those deemed to be cognitively impaired. This paper seeks to look deeper into these interactions and their spatial effects, challenging narratives that obscure the province’s role in forcible institutionalisation. I specifically problematise the “hierarchical binary of mind and body” as they appear in legal texts and dialogues, with emphasis on the Woodlands school as a case study due to its historical prominence in provincial legislation and contemporary relevance in case law (Devlin & Pothier, 2006, p. 5). This will be done by presenting a critical reading of primary historical sources, drawing on feminist modes of textual analysis, and framing the institutional histories within sociological and Foucauldian theory.

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1 The phrase ‘developmental (dis)abilities’ is used to address the broad diagnostic paradigm of intellectual disabilities, including mental and/or physical impairments.

## **I. The Historical Site: Discussion of Methodology and Legal Sources**

As defined by Campbell (2001), ableism is “a network of beliefs, processes and practices that produce a particular kind of self and body (the corporeal standard)” (p. 44). Through analysing legislative acts, statutes, and annual reports, these processes that established legal ableism within British Columbia and the nation-state of Canada become visible. The historical sources reviewed were located in the British Columbia public archives of the Legislative Assembly and/or the Statutes of the Province of British Columbia, published and accessed digitally. These texts include provincial statutes and annual reports, such as the British Columbia Lunacy Jurisdiction Act 1872, Insane Asylums Act 1873, *Annual Report on the Asylum for the Insane 1882*, Hospital Insane Asylums Act 1897, Sexual Sterilization Act 1933, *Annual Report of the Mental Health Services Branch 1951*, Schools for Mental Defectives Act 1958, and the Mental Health Act 1964. The history from 1849 to 1950 documents the provincial government’s role in shaping responses to mental illness and influence on the institutionalisation of children and adults living with developmental disabilities.

In this paper, the analysis of the law and the psychiatric state is founded upon the textual relics of the institution. Methodologically, it is necessary to visit the primary texts from a standpoint that seeks to understand ableist modes of rule. As a meeting of the “two kingdoms” of law and medicine, the ‘disabled subject’ has historically been a focus for disciplinary mechanisms that produce knowledge, expressed spatially through the asylum or the ‘school’ (Foucault, 2003, p. 64). Foucault’s analysis of different mechanisms contributes to my historical reading of legislation, though I also will discuss the limits of his histories of the asylum. I therefore also draw on postcolonial theory to exhibit the practices of settler colonialism as they relate to medico-legal discourses and the context of BC (Roman, Brown, Noble, Wainer, & Young, 2009; Wolfe, 2006). Building on feminist disability theories, historical analysis is approached as a means of investigating the textually-mediated world of ableist discourses. Titchkosky (2007) presents medical texts, as well as neoliberal discourses, as points of study that co-create the disabled subject. Smith (2005) suggests that the “text is also key to the effect of institutional standardization”; in other words, by eliciting the coordinations of the past, historical legal texts lend insight into

contemporary contexts and ways in which subjecthood and governance are reproduced (p. 108).

Focusing on the importance of settler colonialism, and drawing on the work of Foucault regarding ‘asylum knowledges,’ the historical overview is organised chronologically and divided into three informal periods: 1) the settler colonial history leading up to and including the creation of the New Westminster asylum in 1878; 2) the institutional interventions that took place throughout BC leading up to the official opening of the ‘Woodlands School’ in 1951, and finally, 3) the Woodlands institution from 1951 onwards, the rise of the de-institutionalisation movement and the 2001 review. These periods exhibit the changing landscape of governance, as well as the layers of legislation that shape the Woodlands school’s place in history. The shifts in the critical legal history reveal major legal developments, as well as the movement of individuals from site to site.

## **II. Mad Theory: Law and ‘Asylum Knowledges’ of the 19<sup>th</sup> Century**

A “theory of psychiatric power” seeks to understand the significance of judicial, medicalised, and colonial dynamics in asylum histories (Roman et al., 2009, p. 55). The history of “asylum-making” in British Columbia reveals the cooperation between legal, industrial, and settler colonial projects that functioned to increase BC’s presence and status in Canada (Roman et al., 2009, p. 17). Michel Foucault (2003) notes that, “[t]he disabled person may not conform to nature, but the law in some ways provides for him” (p. 64). This description of psychiatry and governance suggests that the conditions of legal subjecthood are dependent upon the law’s affirmation of values of rationality and normality. In *The Birth of the Asylum*, Foucault (1965) draws attention to the emergence of the asylum as an interpolated site of medical and legal knowledges and new technologies of incarceration. Invoking stories of French psychiatrists and the 19th century turn to ‘treatment’ of the mad, Foucault dissects the shift from chains to hospital beds. Though his descriptions of these early psychiatric institutions may seem archaic today, the asylum remains one of the most prominent images associated with madness in Western civilisations. Typically, the asylum is retroactively explored as a medical site and discussed in terms of the development of psychiatry. However, as Foucault (1965) points out, asylums have also been constructed and managed by legal and punitive powers. The moral and religious fear surrounding the 19th century

asylum “passes between reason and madness,” mediated by the pillars of rationality—medicine, church, and law (p. 245).

Foucault (1965) focuses on French hospitals, notably Bicêtre and La Salpêtrière, to illustrate the role of “perpetual judgment” in the organisation of asylums (p. 265). He argues that the asylum is a juridical extension of the state, wherein the “conversion of medicine into justice” is performed under new terms of diagnosis/judgment and treatment/punishment (p. 266). According to Foucault, the asylum operates to accuse, judge and condemn the patient, wherein the irrational mind is confined by a legal logic that enforces the physical and moral boundaries of the madman’s being. He argues that treatment/punishment in the psychiatric setting exists to establish a perpetual trial. This trial marks madness as a social transgression that is captured within a “moral world” (p. 269). Unpacking this “moral world” of madness and asylums lends insight into the legal construction of normality (p. 269). Though the asylum is presented as the pinnacle of psychiatric understanding, its backbone is the legal knowledge separating reason and madness.

The abnormal body and mind is as much a social deviation and legal transgression as it is a biological one. Since madness disrupts the principles of legal rationality, it must therefore be controlled by the “Law” (Foucault, 1965, p. 272). Order, or the impetus of rationality, is brought upon the patient through the physician and the psychiatric sciences; judicial routines and mechanisms co-create the isolated site of the asylum. Foucault (2009) defines this regulation and reproduction of biologically and medically-defined characteristics as bio-power. Through forms of governance and rule of law, ‘bodies’ are rendered as “object[s] of a political strategy, of a general strategy of power” (p. 16). The asylum, and the nexus of legislation that upholds its authority, can be seen as one actualisation of bio-power. Foucault’s discussion of bio-politics/bio-power seeks to reveal the subversive practices that exist within and beyond the walls of institutional sites.

Foucault’s arguments are useful to the analysis in this paper insofar that they explore how ‘insanity,’ ‘madness,’ and ‘idiots’ emerged as legal and psychiatric categories, regulated by bio-political processes. However, it is important to note that applying these ideas independently to institutions in BC misses the specificity of historical context, including the interplay of colonial practices and ideologies. The spatial, psychiatric, and

legal processes that established and maintained the operation of the Woodlands school, and other institutions in BC, were based in the morality and rationality of a *settler* legal system. Roman et al. (2009) usefully describe the transition from state power operating through the asylum as an internal system of responsibility and order to the rise of “medicalized colonial power” (p. 41). Largely tied to the project of colonising BC, the establishment of jails, psychiatric hospitals, and public regulation was enforced by settler colonial agents (Roman et al., 2009). Under the “settler-colonial society” of BC, legislation was passed in order for the colony to regulate both White and able communities (Wolfe, 2006, p. 390).

Wolfe (2006) suggests that the very core of “settler colonialism” is deeply entrenched with hierarchies taking the form of legal, carceral and medical authority (p. 387). To discuss rationality and the ‘disabled subject’ in BC history therefore requires a consideration of settler colonialism and its gendered, racialised, classed, and ableist perceptions of citizenship and identity. Though this paper crosses periods of colonisation into the development of the modern state, I consider Foucault’s work significant insofar that it can expand a critical examination into intersections of power. While this paper seeks to honour the survivors of Woodlands and the specificity of their struggles, it also hopes to acknowledge that an ‘institution’ does not stand alone in history. It is one site that relates to broader and interconnected narratives of incarceration; in BC under constructions of indigeneity and ability, populations have been deemed abject by governing agents.

### **III. Legislating Insanity: Preserving the White Settler Project of British Columbia**

The early development of asylums in BC were directly linked to the expansion of the colony. Ferguson (2002) argues that from 1849 to 1878, British Columbia’s responses to “insane persons” were largely led by the economic and industrial growth of the province, and often in response to public demands (p. 63). For the first thirty years of BC’s history, the provincial government did not immediately follow Britain, Europe, and Eastern Canada in establishing “modern asylum[s] based upon the principles of moral treatment” (p. 64). Instead, the early absence of medical treatment or legal recognition of mental illness led to carceral practices that were seen to be less expensive and “more expedient” (p. 64). Ferguson notes the prevalence of “lunatics” within provincial jails in Victo-



ria and New Westminster (p. 78). Colonial legal agents dealt with what was perceived to be 'abnormal' vis-à-vis philosophies of social control. Those deemed mentally ill or intellectually disabled were treated as prisoners and contained by punitive measures until the creation of BC asylums in the 1870s.

It was the voice of laymen and the proliferation of public interest in the mistreatment of the insane that inspired new approaches by the province (Ferguson, 2002). The shift to asylums was also influenced by new ideas suggesting that the formerly criminalised or socially expelled could be treated or instructed according to the "normative standards" of settler colonial society (Chapman, Carey & Ben-Moshe, 2014, p. 6). These standards were most apparent in Canadian Indian Residential Schools. In fact, the establishment of the first asylum in Toronto in 1850 came four years after an announcement by the government that they would expand and enforce Residential Schools for aboriginal children (Chapman et al., 2014). In BC, the first meeting of the newly created Legislative Assembly in 1872 introduced a commission to inquire into the province's prison system, which recommended the incarceration of those deemed insane, and which created the British Columbia Lunacy Jurisdiction Act 1872. This legislation provided the building blocks of Supreme Court dominion over those deemed to be either 'idiots' or 'lunatics' (Yearwood-Lee, 2008). That same year, the first asylum in BC was established (Ferguson, 2002). It was situated "on the unceded territorial lands of the Songhees and Isquimalt," an area which would later be known as Victoria (Roman et al., 2009, p. 19).

The formation of the Legislative Assembly and the clarification of its role in supporting psychiatric spaces would significantly affect the formal establishment of the Woodlands School and similar facilities for the developmentally disabled. In 1873, the first act solidifying and detailing provincial governance over mental health issues was passed, known as the Insane Asylums Act:

Any public Asylums that may be established or acquired under any grant from the Legislature of this Province, for the custody and treatment of insane persons, and all the property and effects, real and personal, belonging thereto, shall be vested in the Crown; and it shall be lawful for the Lieutenant-Governor in Council, from time to time, to make rules and regulations for the management of any Lunatic Asylum in the Province [...] (Insane Asylums Act, 1873, p. 131)

In this brief excerpt two key components of the legal character of asylums are established: first, that the Crown will be recognised as the regulatory

body for “insane persons” and any extension of their personhood “property and effects” (Insane Asylums Act, 1873, p. 131); second, that the asylums will not only be spaces of “treatment” by medical or psychiatric agents, but asylums will function as symbolic and physical markers of the province’s “custody” over such persons (Insane Asylums Act, 1873, p. 131). This act invents the legal entity of “insane persons,” a category of persons that is under the guardianship of the Crown and subject solely to provincial law (Insane Asylums Act, 1873, p. 131). Granting the province ultimate power over residents of the asylum transformed those perceived as criminal, insane, and uncivilised into *wards* of the settler colonial society—to be regulated by the coordination of medical and legal knowledges.

The enactment of this legislation was followed by plans to construct a much larger and extensive psychiatric hospital in New Westminster, where “insane persons” could be properly contained (Insane Asylums Act, 1873, p. 131). When this psychiatric hospital was finished in 1878, and named the Provincial Asylum for the Insane, 32 patients from the Victoria asylum were transferred there (Ferguson, 2002). The relocation of the Asylum from Vancouver Island to ‘provincial land’ near New Westminster, Roman et al. (2009) claim, was also aimed at protecting the growing “white metropolis of Victoria” (p. 27). Built on unceded First Nations land, the provincial government constructed a “fortress-style building” that over the next several decades would expand (p. 27). It worked to isolate an ‘unfit’ population, while facilitating the ongoing settler theft of Indigenous land (Roman et al., 2009). This site would eventually become the location of the Woodlands School until its closure in 1996 (Roman et al., 2009).

#### **IV. The Provincial Asylum and Expansion of Institutional Power, 1878 and Onwards**

The New Westminster asylum promised to solve the overcrowding of jail cells and was also presented as the modern solution to the social and moral issues facing the province (Ferguson, 2002). Ferguson (2002) argues that despite the investment of the province and notwithstanding claims made by the medical superintendent(s) that the New Westminster asylum was a well-managed successful institution, historical records show that it failed to follow “progressive, humane, moral treatment principles” (p. 85). Annual reports from the asylum were provided to the Legislative Assembly, which included recommendations by the medical officer regarding the conditions of the asylums. An excerpt from the 1882 *Annual Report on the Asylum for*

*the Insane* evidences the concerns regarding asylum life and its effects on patients:

The Asylum is crowded to such an extent—and has been for some time past—that the Superintendent is compelled to place two patients in some of the rooms, which I need scarcely say is highly objectionable. To have two irrational beings occupying the same bed-room, no matter how quiet and inoffensive they may have been for even months, they are liable at any moment to become violent, raving maniacs, and like an enraged animal bounce upon the unfortunate room-mate and inflict serious injuries, or even take their life. This is no idle dream, it has occurred in other asylums under similar circumstances, and may occur here any day unless ample provision is made for that unfortunate portion of our population. With our rapidly increasing population, consequent on railway construction and direct communication with the Eastern Provinces at an early day, I think it is only reasonable to assume that our population will more than double within the next three or four years.

(British Columbia Legislative Assembly, 1883, p. 46)

The medical officer's description reflects the gap between the promises of care by the province and the actual function of the asylum as an expanded form of incarceration. Years of protests by patients regarding mistreatment would lead to the first Royal Commission Inquiry of 1894-1895 (Ferguson, 2002). The inquiry would find "a litany of patient abuses routinely administered by asylum staff," as well as mismanagement by the administration (Ferguson, 2002, p. 85). The medical officer's reference to the animality of patients and the findings of the Commission suggests that the stripping of personhood, which began under the *Insane Asylums Act* in 1873, had contributed to these abusive conditions. Charles Frederick Newcombe was appointed Commissioner for the Royal Commission into the Provincial Asylum; additionally, Newcombe would serve as the Medical Superintendent of the Asylum (Roman et al., 2009). His dual role as medical authority and judicial figure exemplifies the ways in which medico-legal realms in BC overlapped.

Testimonies from the Royal Commission outline the kind of 'treatments' that were forced upon patients, as well as documentation regarding the early procedures of asylum punishment. Restraints, cold baths, excessive physical force, and many other punitive mechanisms were directed at patients under the auspices of treatment (Roman et al., 2009). Despite substantial and detailed evidence of rampant abuse, the "quasi-juridico-medical" agents that oversaw the review barely took notice (Roman et al., 2009, p. 41). One outcome of the first inquiry was that the medical superintendent Dr. Richard Bentley was forced to resign

(Ferguson, 2002). Several other superintendents would follow, espousing the same public message that balanced the rhetoric of legal and moral duty and the promise of effective psychiatric treatments (Ferguson, 2002).

The 'publicness' of the inquiry would further serve the interests of the psychiatric world and the provincial government. The Hospital Insane Asylums Act of 1897 was passed in response (Roman et al., 2009). This act outlined the need for inspection into the care of 'lunatics,' but it also granted licensing for future insane asylums in the province (Roman et al., 2009). Legislative power seemed to have taken on a 'maintenance' function, constantly reaffirming the spatial and legal authority of the Asylum. Another 'solution' to the findings of the Commission was simply to expand the number of hospitals and psychiatric institutions. In the following years, new facilities were created and hospitals expanded. In 1913, Essondale hospital was opened near Coquitlam. In the 1960s, following its expansion, the institutions would be renamed Riverview Hospital (Yearwood-Lee, 2008). On Vancouver Island, the Provincial Mental Home for the Criminally Insane opened at the Colquitz hospital site in 1919 (BC Mental Health and Substance Use, n.d.). Over the next several decades, institutions specifically for intellectual disabilities would be developed on different hospital sites, including Glendale, Tranquille, and Endicott Centre. This period of increasing provincial institutional power led to the development and specification of different psychiatric interventions.

Until the late nineteenth century, people with developmental (dis)abilities in BC were largely undifferentiated and were encompassed in the category 'lunatics.' In 1876, Ontario opened the first formal institution "for 'idiot' children and adults" known as the Orillia Asylum for Idiots (Chupik & Wright, 2006, p. 79). The turn of 20th century brought about a growing medicalisation of intellectual disabilities in BC. Chupik and Wright (2006) attribute this new model to the advent of intellectual testing, as well as "the growing awareness of the 'feeble-minded' problem in urban areas" (pp. 79-80). From the panic of the new colony to the fear of the emerging capitalist cityscape, public perceptions of (dis)ability and mental illness significantly influenced the legislative decisions of provincial governments. In BC, the earliest mention of 'special treatment' for populations deemed cognitively impaired was noted in the 1904 annual report from the Mental Health Services Branch

(Yearwood-Lee, 2008). In the following decades an increasing number of children and adults would be diagnosed with 'mental retardation' and institutionalised at the New Westminster hospital (Yearwood-Lee, 2008). The processes of institutionalisation would work in tandem with other forms of legislation, which marked, contained, and punished (dis)abilities.

## **V. 'Mental Hygiene' and the Legal Construction of an Intellectual Class**

One of the most significant moral ideologies and medical interventions that affected the treatment of those living with (dis)abilities in the early 20th century contributed to the rise of mental hygiene and sterilisation policies. The eugenics project—known as “negative eugenics”—used psychiatric measurements and medical practices to sterilise those deemed “unfit” (Clarke, 2004/2005, p. 67). Clarke (2004/2005) outlines the social and economic evaluation that was placed upon the “mentally deficient,” defining individuals ‘outside’ the social values of the Canadian nation-state and as dangers to the social order (p. 61). The eugenics movement drew considerable support in BC and was sanctioned by the provincial government and its departmental branches. Clarke notes that by 1920, one of the “strongest proponents of mental hygiene and eugenics”—Dr. Helen MacMurchy—had become chief of the BC Child Welfare Division of the Department of Health (p. 68).

The influence at the governmental level was so significant that in 1928 the BC Legislative Assembly established a Royal Commission on Mental Hygiene in response to “the perceived increase in the number of mentally deficient individuals in the province” (Clarke, 2004/2005, p. 69). The Royal Commission is particularly significant in demonstrating how legislative constructions of developmental disability marked a legal debate regarding the nature and categories of an intellectual class. Clarke (2004/2005) acknowledges that medical knowledges had for many years recognised the differences between mental illness and intellectual disabilities; however, during this Commission “mental deficiency” was outlined in greater detail in the provincial report (p. 66). The terms ‘idiot,’ ‘imbecile,’ ‘moron,’ and ‘feeble-minded’ were attributed in the Commission to certain intellectual classes (Clarke, 2004/2005). These terms were valued against “the minds of children,” harmfully equating developmental (dis)abilities with infantilising psychiatric categories (Clarke, 2004/2005, p. 70). The Sexual Sterilization Act of 1933 followed up on the

recommendations of the Commission, reiterating the province's formal legal categories and emphasising the need for sterilisation in preventing the proliferation of 'undesirable' classes. Park and Radford (1998) show that approximately 64 individuals were sterilised in BC. Of 64 cases, 57 were women. Although these numbers were lower than those in Alberta, sterilisation legislation nonetheless informed exclusionary policies that would continue in the province (Park & Radford, 1998).

Clarke (2004/2005) argues that many records from the period provide evidence that the actualities of living with (dis)abilities were quite varied and that many individuals who would be institutionalised did not fit into the static diagnostic categories set by psychiatric tests. Families also actively resisted the recommended institutionalisation of children—a practice that saw many residents of the Woodlands school removed from their homes based on arbitrary measures of 'capability' at very young ages (Clarke, 2004/2005). Despite emerging cases of resistance and challenges to the hegemony of mental hygiene, including critiques of sterilisation, institutionalisation remained the dominant intervention. Furthermore, the higher rates of diagnosis and sterilisation in low income communities suggest a targeting of individuals and families based on their economic status (Park & Radford, 1998). This "segregation of mentally deficient" individuals into intellectual and social classes would inform the development of greater institutional worlds (Clarke, 2004/2005, p. 74). The province's desperate efforts to alleviate the economic and social burden of institutionalised populations would lead to a legislative transition from custodialism to education.

## **VI. The 'School' Myth: Woodlands and the Rhetoric of Institutionalisation**

Woodlands was not formally known as a 'school' until the mid 20th century. As early as 1910, however, BC had policies in place to classify and separate children and adults diagnosed with 'intellectual disabilities' from other patients in psychiatric hospitals. The Woodlands school was established through this distinction and centred on 'care and custody' (Yearwood-Lee, 2008). In 1951, the *Annual Report of the Mental Health Services Branch* announced its formal naming and described its purposes as follows:

In February, 1951, permission was granted for the Provincial Mental Hospital, New Westminster, to be renamed The Woodlands School, New Westminster. As this is a training-school for the intellectually retarded and has been for several

years, the title “Provincial Mental Hospital” was rather misleading, as it did not fit in with the function of The Woodlands School, as an educational and training school. (British Columbia Mental Health Services, 1951, P.56)

This excerpt from the *Annual Report* seems to suggest that this new era of treatment emerged out of and differed from the asylum halls and mandated sterilisation acts. It describes the Woodlands site, buildings, programs, and networks of administrative and psychiatric staff. The report emphasises the ‘importance’ of the “vocational building” and the medical superintendent’s interest in educating, training, and socialising children and adults (British Columbia Mental Health Services, 1951, p. 56). Specific references to kinds of ‘training’ include a “shoe-shop” and other types of menial labour as “important industrial project[s]” (p. 56).

Carlson (2005) details the way in which ‘schools’ like Woodlands were created for children and adults with developmental disabilities in the late 19th century, following certain institutionalised codes of moral and intellectual judgments. She argues that practices within institutions like Woodlands in fact “ranged from education and training to supervision and punishment” (Carlson, 2005, p. 142). Under the myth of ‘education,’ these schools, often extensions of asylums, took ownership for the care of those perceived to be “feeble-minded” (p. 140). Education was largely conflated with training that ultimately served the “institutional need” (p. 142). On paper, the provincial health branches had adopted an ‘educational’ approach to the ‘intellectually retarded,’ adapting to the demands of the changing economy and the “capitalist requirement for cheap labor” (Chapman et al., p. 6). By the late 1950s, the population of Woodlands had reached approximately 1400 (Inclusion BC, n.d.). In 1958, the Schools for Mental Defectives Act was passed by the province and replaced in 1964 by the Mental Health Act, which had serious implications for the Woodlands school (Public Guardian and Trustee of British Columbia, 2004). The renaming of the residential facility at the New Westminster Hospital served as a public reinvention of the carceral practices and psychiatric isolation. Despite this apparent transition, the conditions at Woodlands were further evidence that the practices of punishment and abuse that had been exposed decades earlier in the 1894-95 Royal Commission had not yet been reformed.

Experiences of abuse that would be voiced by patients and families would expose the underlying philosophy of Woodlands: that those deemed morally and mentally inferior by legal and medical gazes

were to be disciplined and punished. The extensive reports on the physical, emotional, and sexual abuse that occurred at Woodlands reflect decades of systemic violence and processes of social control. In the 1960s and 70s, parents and self-advocates demanded the closure of Woodlands (Inclusion BC, n.d.). By 1981, plans were made to close Woodlands but this would not formally happen until 1996 (Inclusion BC, n.d.). That same year the British Columbia Association for Community Living and BC Self Advocacy Foundation initiated the Woodlands Oral History Project (Inclusion BC, n.d.). This would lead to additional projects of remembrance including the Woodlands Memorial Garden, opened in 2007 (Inclusion BC, n.d.). The arguments for provincial-wide de-institutionalisation in BC and dialogues started by Woodlands survivors—regarding their experiences of abuse—would establish a provincial review.

## VII. Conclusion: Ableism and the Indeterminacy of Justice

In 2000, the Ministry of Children and Family Development asked Ombudswoman Dulcie McCallum to investigate the extent of abuse at Woodlands, as evidenced in provincial records (Public Guardian and Trustee of British Columbia, 2004). The report entitled *The Need to Know* was published in 2001:

For the purpose of this report, it is assumed that some human rights are inherent based solely on humanness. These rights are available to everyone and may or may not be reflected in the domestic constitution or legislation in place at the material time. Inherent human rights are not given to people in the same way as other rights, which are granted by law. The most relevant example for our purposes is the inherent right of all children and vulnerable adults to be safe from harm and abuse. When the government “wraps its arms” around children and adults in need and provides direct care in an institutional setting, there is clearly a fiduciary duty on the State to ensure that the right to be safe from harm is respected. [...]

Any people who as children or adults have suffered harm at the hands of caregivers while institutionalised should be afforded the right to access a process of restitution. They should be able to enjoy the benefit of a process of reparation for any infringement of their inherent rights regardless of being labelled or diagnosed as having a mental handicap. In the case of former residents, many will have been considered legally incompetent, disenfranchised, and lawfully confined. (McCallum, 2001, p. 8)

McCallum's (2001) findings around the frequency and intensity of systemic abuse suggests that the realities of institutionalisation had long been ignored by lawmakers, political branches, and medical personnel.



Her report also identified several records documenting the abuse, which encouraged further review of the records and provincial processes of reconciliation. This excerpt from the report takes particular aim at the “fiduciary” promises that were propagated by legislative and judicial decision-makers from the late 1800s and into the 1990s (McCallum, 2001, p. 8). McCallum’s criticisms suggest that the legal responsibility granted to provincial guardianship had in effect been violated.

Over a hundred years of legislative foundations were laid that categorise and institutionalise individuals deemed cognitively ‘abnormal.’ The law and its mechanisms, namely legislative texts and judicial procedures, played a fundamental role in establishing ‘mental difference’ as a medical *and* legal marker. Though the settler-colonial project of BC may appear removed from McCallum’s (2001) review, settler colonial legislation facilitated the building of institutional spaces. As outlined, the Woodlands school was built physically on unceded Aboriginal land, and figuratively by way of settler colonial practices of social cleansing (Roman et al., 2009). Into the mid-20th century, determinants of physical cognition and mental functioning were largely enforced by sterilisation legislation. In 1951, the Woodlands school was officially developed from asylum legislation, rebranded with an ‘educational’ approach (Inclusion BC, n.d.). In the era of asylum knowledges ‘developmental disabilities’ were overtly medicalised and tied to the psychiatric sciences. The period of custodialism and ‘education’ ushered in a new and arguably more covert process to isolate populations deemed ‘mentally inferior.’ Testimonies from former residents, as well as extensive documentation from the province, evidence how in actuality the terms of the Woodlands school perpetuated conditions of severe abuse (McCallum, 2001).

This paper has revisited the history of institutionalisation in order to identify the ‘disabled subject’ as it has been historically constructed in British Columbia; to deconstruct the medicalised paradigm of developmental (dis)abilities; and to explicate the multiplicity of power embodied in medico-legal mechanisms. As Tremain (2005) suggests in Foucauldian terms: “power functions best when it is exercised through productive constraints, that is, when it *enables* subjects to act *in order* to constrain them” (p. 4). The Woodlands school, and similar institutions within Canada, was not a form of treatment; the institution existed to produce and regulate subjects outside the bounds of the settler colonial state. Provincial legislation functioned in three key capacities: 1) as a

means to spatially segregate non-White and non-able communities, 2) to eliminate citizenship rights through psychiatric diagnoses and intellectual evaluations, and 3) to justify force used by staff and judicial agents. Individuals largely were stripped of their identities; ‘classes’ of subjects were *enabled* in order to fit within regulatory legal bodies.

Since the closure of Woodlands in 1996, de-institutionalisation movements have fought to establish world(s) outside of the institutional legacy. In 2001, the Woodlands survivors filed the class action *Richard v HMTQ* (2005) against the province. Efforts by the survivors and disability organisations were made to settle out of court and to generate a common experience fund; the province rejected these terms and the tort litigation continued until 2010 (Kodar, 2012). This protracted legal exchange between the province and the survivors can be viewed as a proliferation of history. (Dis)ability communities are attempting to establish their own stories and secure adequate restitution, nonetheless justice remains divided by the terms of ableism. As apparent in historical legislation and the settlement process, the right to self-determinative support and equitable citizenship for those living with (dis)abilities continues to be questioned using legal constructions of mental capacity. Institutional violence was made permissible by the language of law; for many survivors, it remains indeterminate whether justice is accessible by the same expression. ▀

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# **"Who Owns My Life?": Women, Legislation, and the Right to Death**

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## **ABSTRACT**

As of February 6, 2015, the federal laws prohibiting physician-assisted suicide were struck down in a unanimous decision by the justices of the Supreme Court of Canada. This paper will explore the history of assisted suicide of Canada through a sociological and feminist lens in which it is argued that it has been women who have been the pioneers of decriminalising euthanasia in Canada. Canadian laws were originally written by privileged men and, as a result, grant rights and rulings most favourable to those in privileged positions in society. While assisted suicide will be legalised by June 6, 2016, this change in legal ruling has only been made possible through the questioning of the law by Canadian women. This paper will explore the impact women have made on Canadian law in regards to issues surrounding assisted suicide through the following arguments: firstly, that it is mainly women who have to deal with matters of dying with dignity, such as living longer and caring for the elderly; and secondly, that the legislative battle for assisted suicide has taken an extended period of time due to the subordination of women's voices in the legal system.

*If I cannot give consent to my own death, whose body is this? Who owns my life?*

— Sue Rodriguez, 1991

## **INTRODUCTION**

In the year 1982, Bertha Wilson was appointed to the Supreme Court of Canada, and it went down in history as the first time a *woman* was

appointed to the highest court in Canada. Before 1982, only men filled this position; as of now, women have occupied this position of power for only 34 years. Consequently, most laws in Canada were written by men and as such, the law has a "gender dimension" which makes it different for women than it is for men (Dawson, 2009, p. xiii). The law in Canada was mainly written by male judges, many of whom have deeply embedded gender-biased stereotypes and beliefs (Dawson, 2009). As such, the law inherently favours men in that their perspectives are acknowledged and often mistaken as "the absolute truth" (p. xiv). Privileged members of this dominant group are therefore more easily able to access the law, whether it is through writing it, interpreting it, or applying it. However, the law is 'different' for women and other minority groups *because* it challenges the status quo; as a result, in legal settings, a woman's point of view is usually interrogated and placed in opposition to the dominant male perspective (Dawson, 2009).

In 1991, Sue Rodriguez shook the underlying assumption of these man-made laws when she challenged the morals behind criminalising euthanasia and assisted suicide. Rodriguez was diagnosed with amyotrophic lateral sclerosis (ALS), a fatal neurological disease which attacks and breaks down the nerve cells controlling voluntary muscles (National Institute of Neurological Disorders and Stroke, 2013). According to the National Institute of Neurological Disorders and Stroke (2013), over time people with ALS not only lose the ability to move their arms, legs, and body, but they also lose control over the muscles located in their chest and diaphragm which are needed to breathe properly. As such, simply breathing without medical assistance becomes a painful struggle. Thus began Rodriguez's legislative battle advocating for the right to assisted suicide in Canada (Dying with Dignity Canada Inc., 2011). Without the legal right to assisted suicide, those who wish to die with dignity, such as Rodriguez herself, are forced to take potentially dangerous measures to ensure that the Canadian state will not incarcerate those involved. Therefore, criminalising assisted suicide and euthanasia may serve no purpose in the protection of some Canadian citizens and instead may actually give rise to safety risks.

Although Rodriguez's appeal was dismissed by the Supreme Court of Canada by a five-to-four vote, the four minority opinions of the jury reflected that "the right to die with dignity should be well protected as in any other aspect of the right to life" (Dying with Dignity Canada Inc.,

2011, para. 3). Additionally, it should be noted that these dissenters of the court decision was composed of two women and two men, exemplifying that both women *and* men disagreed with the Court's decision (Smith, 1993). With this statement, the right to die as one chooses to, whether it be through natural causes or through assistance, was brought into question in the Canadian court system. Although Sue Rodriguez's claim began in 1991—and she passed away soon afterwards—her legacy continues to affect the rest of Canada. Now, in the year 2015—over two decades after Rodriguez's initial ground-breaking appeal—the Supreme Court of Canada has unanimously struck down the provisions of the *Criminal Code* which prohibits physician-assisted suicide (MacKay & Winters, 2015). Moreover, as of February 2015 the Supreme Court of Canada, the highest court in Canada, has ruled in favour of assisted suicide (Dovey, 2015). Although there are certain criteria that must be met in order for assisted suicide to occur, it is clear that Rodriguez's legacy has continued to shape and influence legislation in Canada.

In the case of assisted suicide in Canada, there is clearly a lot of debate as to whether or not decriminalising or legalising assisted suicide is, as a matter of fact, 'good' for the public. Although the right to life is generally an issue which *many do not debate*, the right to death is an issue which *few confront*, unless individuals—such as Sue Rodriguez—make a conscious effort to question Canadian legislation under the public eye. Gillian Bennett, a woman who suffered from dementia, advocated for physician-assisted suicide. She noted in her personal blog before committing suicide that “[t]here are so many things we obsess about ... [yet] we do NOT talk much about how we die” (Bennett, 2014, para. 7-8). Here, Bennett not only questions social norms which prohibit many of us from speaking about death, she also encourages people to openly discuss death. For herself and her family and friends, death is “not a forbidden topic”; as a matter of fact, it is “[a]nything but” (para. 9). When people do discuss euthanasia, however, it is often used interchangeably with assisted suicide. However, these two terms are not synonymous: while assisted suicide involves providing someone with the means and knowledge to intentionally end their life, euthanasia is the deliberate act of ending another person's life with the motivation to relieve their suffering (End-of-Life Law and Policy in Canada, n.d.).

The term 'dying with dignity' has emerged and is used to address the social stigma surrounding the terms 'euthanasia' and 'assisted suicide'

(Allmark, 2002). Dying with dignity involves two claims: firstly, that lives without dignity should be ended; secondly, that individuals should be given the freedom to ensure a death with dignity (Allmark, 2002). Dignity may be seen as a “continuum” that is subjective and dependent on the individual (Allmark, 2002, p. 256). The term ‘assisted suicide,’ however, includes the word ‘assisted’ which assumes that aid is needed, consequently taking power away from the individual. Moreover, ‘assisting’ someone in committing suicide takes an individual’s personal issues and turns it into a concern involving others. As a result, assisted suicide is arguably a loaded term which associates the individual with helplessness and disempowerment. Bennett (2014) herself has noted that the use of the term ‘assisted suicide’ helps to uphold and even leverage the prohibition of discussions involving death. Finally, if discussions about death are controversial to mainstream society, then death being articulated as a goal is taboo as it completely clashes with societal norms, values, and beliefs. In juxtaposition, the term ‘dying with dignity’ is often used by those in support of euthanasia and/or assisted suicide (Allmark, 2002). Not only does ‘dying with dignity’ include the conjugation of the verb ‘to die’ within itself, which brings the discussion of death to the forefront, it also contorts death into something that can be positively striven for with the word ‘dignity.’ Dying with dignity may also encourage discussion due to the term’s generality in that there is no assumed specified procedure. For instance, while euthanasia and assisted suicide are limited in their definitions regarding the procedures leading to death, dying with dignity is open and invites conversation regarding how death will occur, what steps may be taken to ensure the client’s wishes are respected, and how the impact may in fact be an empowering experience for those involved.

Rodriguez’s case is one example of how women affect legislation in Canada in spite of the fact that it is men who dominated powerful positions in this field for the majority of Canadian legal history (Dawson, 2009). In the case of assisted suicide, it is interesting to note that all those who initiated the legislative battle fighting to legalise or decriminalise dying with dignity are *women*. As a result, even though it is mainly women who have fought and continue to fight for the recognition of dying with dignity, it should be noted that these rights will ultimately affect—and benefit—*the rest of society*. This paper will further extrapolate this claim through the exploration of women’s impact on Canadian laws regarding

assisted suicide with the arguments that: it is mainly women who occupy social positions which expose them to matters concerning euthanasia and assisted suicide, such as caring for the sick and elderly or by simply outliving men; and because of men's privileged position in legislation, women's voices are consequently subordinated, resulting in the long, drawn-out battle over the right to death. First, the historical social norms and legal rulings surrounding assisted suicide will be broken down and analysed; second, women's legal power within the Canadian legislative system will be explored along with their social position in the household; finally, this paper will tie legal rulings and women's positions together through the examination of the national impact women have had on the fight for one's right to assisted suicide.

### **“Dying with Dignity” over Preserving Life: A History of Judicial and Social Rulings**

The legislative battle over assisted suicide began in 1991 with Sue Rodriguez. Since then, fellow advocates have followed in her steps, including Kay Carter, Gloria Taylor, Gillian Bennett, and Margaret Anne Bentley. All five women made headlines in Canadian news in regards to the impact their positions on dying with dignity would have on legislation and healthcare. Additionally, all five women suffer(ed) from serious or incurable health issues.

Kay Carter and Gloria Taylor launched their case with the British Columbia Civil Liberties Association (BCCLA) to appeal for assisted suicide (“Assisted suicide appeal”, 2014). More specifically, their appeal would grant the rights for adults who are “seriously and incurably ill but mentally competent” the ability to receive medically-treated assisted suicide under specific “safeguards” (“Assisted suicide appeal”, 2014, para. 2). In the year 2012, Taylor was the first—and for now, only—Canadian to receive the right to die with dignity from the B.C. Supreme Court of Appeal. The right was granted too late though, for Taylor died later in the year without any assistance. However, the decision was soon overturned by the Supreme Court of Canada under the rule of *stare decisis*, in which the lower courts are bound by the decisions of the highest court in Canada. Thus, the laws for assisted suicide were bound by a 20-year-old prior ruling of the Rodriguez decision which banned Canadians from dying with dignity (“Assisted suicide appeal”, 2014).

The battle for one's right to take life did not only take place in



Canadian court houses though: the Internet was also used as a tool for social change by Gillian Bennett. On the 18<sup>th</sup> of August in the year 2014, Bennett left her own personal note pleading for the right to die with dignity in the form of a blogging website.<sup>1</sup> Here, she carefully and coherently explains why she chooses to die with dignity and “take action” rather than wait until she can no longer “assess [her] situation” (Bennett, 2014, para. 4). Bennett’s website is an example of how women—and social advocates everywhere—are using creative approaches to announce and argue their stance on dying with dignity. This virtual platform is not only highly accessible; it also ensures a kind of permanent document arguing for Bennett’s right to die on her own terms. Bennett herself was hoping her website statement would “strike a blow for a different set of attitudes” (“Gillian Bennett”, 2014, para. 25).

Finally, Margaret Anne Bentley, a British Columbian suffering from dementia, expressed the desire to no longer be offered food and liquids once she reached a “certain cognitive state” and thus, be left to die (Bull Housser, 2014, para. 2). However, despite her advanced state of dementia, the Fraser Health Authority and the facility where Bentley resides, the Maplewood Seniors Care Society, continue to feed her based on the argument that Bentley is “choosing to open her mouth and eat and [therefore] this choice must be respected” (para. 2). Moreover, it has been argued that refusing to feed Bentley would be constituted as “neglect” under the Adult Guardianship Act (para. 13). A case such as this associates one’s mental health, ability, and capacity to reason with one’s right to die with dignity. Although Bentley expressed the wish to die with dignity, the dementia she suffers from slowly, but surely, strips her of her mental capacity to consciously consent to death, leaving her decision to be made by healthcare and judicial institutions.

In all five cases of women fighting for the right to die with dignity, their choice is at least partially taken from them, whether it is through institutionalised legislation, social stigma, or bodily and cognitive breakdown. When this happens, dying with dignity is something to be fought for, while living against one’s will to avoid death is socially acceptable. In this way, the right to choose how and when one dies under certain health conditions and limitations is deemed unacceptable and almost impossible to enact. Thus, while the choices of these women may fail, the status quo to preserve life under the conditions of the dominant

1 Gillian Bennett’s letter can be found at: <http://www.deadatnoon.com>. She wrote it as an online blog post in the hopes of generating a discussion around death.

group prevails.

### **Rights for Women, Rights for All**

When Bertha Wilson was called to be the first female judge in the Supreme Court of Canada in 1982, women across the country rejoiced and stated that their voices would now be heard. Although substantial changes to Canadian society were made in regards to women's rights and family law under Wilson's power, Wilson herself was hesitant to accept the position of power many women graciously accredited to her (Wilson, 1990). In her text, "Will Women Judges Really Make a Difference?", Wilson first acknowledges the fact that laws cannot change society; instead, it is society which affects the law. As a result, change in the law comes "slowly and incrementally" and often only when members of that society initiate those changes (Wilson, 1990, p. 371). Sue Rodriguez was the first to question the laws Canada had in place which criminalised assisted suicide. Although her appeal was ultimately denied, her success lay in the fact that she began a social movement for the right to die with dignity according to one's own wishes. Since then, other voices have spoken out, and slowly but steadily public opinion has changed. Now in the 2015 *Carter v. Canada* trial, public opinion was provided as a form of evidence indicating that the majority of Canadians today are, as a matter of fact, in favour of doctor-assisted suicides under certain conditions (MacKay & Winters, 2015). This is an example of how even though "constitutional mandates rarely change, governments, judges, and attitudes do" (Abella, 2000, para. 14). In regards to the appeal for assisted suicide, it took years for social attitudes to change and even longer for the law to reflect that.

As previously mentioned, all of these legislative initiatives made to decriminalise dying with dignity have been enacted by women. Justice Wilson (1990) has stated that "women view the world and what goes on in it from a different perspective from men" (p. 373). It is clear that it is mostly women who have been rallying for this right to die with dignity; moreover, I argue that this is because of the larger social structures which put women in the forefront of assisted suicide. According to Statistics Canada (2012), as people age past their fifties, the gap between the ratio of men to women widens as women outlive men. In this way, women witness bodily degeneration of more people, such as that of their partner's, and they also live through a longer ageing process which is often accompanied by multiple and chronic diseases of both the mind

and body (Health and Places Initiative, 2014). Additionally, although one in four Canadians reportedly provide care to family or friends as a result of ageing, disability, or a chronic illness, most of these caregivers have traditionally been and continue to be women (Sinha, 2013). Moreover, even though the difference in caregiving hours between women and men is relatively small (men spend an average of three hours per week whereas women spend four), women spend over 20 hours per week on direct caregiving tasks, such as providing medication, washing, and going to the doctor's, whereas men spend less than one hour on these (Sinha, 2013). Finally, the top five reasons why people require caregivers are: advanced ageing, cancer, cardiovascular disease, mental illness, and Alzheimer's disease or dementia (see Figure 1 below). Thus, even though ageing is the top reason why people need help, ageing actually requires the least amount of hours of care from family and friends. However, illnesses associated with ageing, such as a developmental disability or cognitive disorder such as Alzheimer's disease, rank first and fifth respectively.

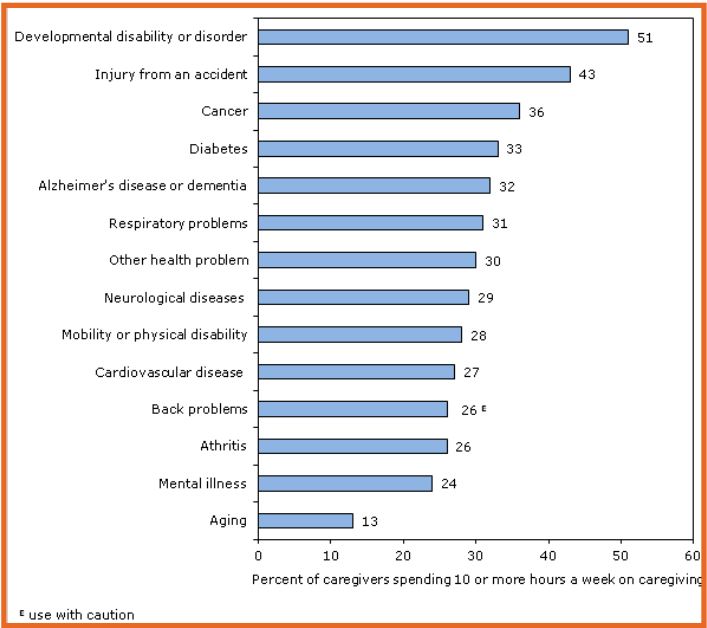
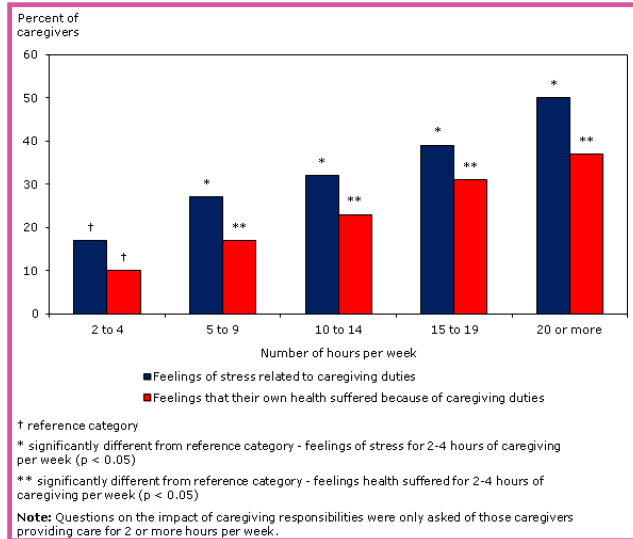


Fig. 1 Developmental Disabilities or disorders require the most hours of care from family and friends. Source: Statistics Canada, General Social Survey 2012.

From this data, we can infer that women not only take care of the elderly, but witness the effects age, developmental disorders, and/

or mental illnesses have on those they provide care for. Caregiving itself can be a stressful and strenuous task. As indicated by Figure 2 below, those who spent more time providing care for loved ones actually suffered from higher levels of stress and worse health (Sinha, 2013). More specifically, caregivers not only felt anxiety, but some even experienced disturbed sleep (~38%), depression (~20%), and were resentful (~20%) of the person they had to care for (Sinha, 2013).



**Fig. 2** The more hours of care they provide, the higher levels of stress and worse health caregivers report. *Source:* Statistics Canada, General Social Survey 2012.

Women are therefore more likely than men to not only live longer, but to also take care of the elderly and witness the detrimental effects ageing may have on someone, such as developing dementia. Consequently, more women also experience the negative effects caring for a loved one may have, such as emotional strain and health issues. In the past, caregivers have disproportionately been women, and this societal trend continues today (Sinha, 2013). From these social statistics, it can be inferred that women really do “view the world and what goes on in it” from a different position than men (Wilson, 1990, p. 373). These factors may contribute to the reason why it has been solely women who have pioneered for the right to die with dignity within the Canadian context in that women witness and experience the negative impacts ageing has on close friends and family members. As Bennett (2014) had stated in her online farewell letter,

I am giving up nothing that I want by committing suicide. All I lose is an indefinite number of years of being a vegetable in a hospital setting, eating up the country's money but having not the faintest idea of who I am. (para. 5)

This quotation reflects how some women may not want to become an emotional and physical burden relying on the care of their loved ones and the Canadian health care system, especially if they have already experienced being the caregiver of an ill elder in the past. Finally, although women make up a larger proportion of the elderly population in Canada, their voices are often challenged when it comes to issues related to death despite the fact that it is more often they—not the judiciary—who face, experience, and challenge their rights as Canadian citizens to die the way they please. Thus, despite the fact that women constitute the majority of the elderly population, their ideas on assisted suicide are still considered to be 'controversial' because they differ from the norms of the general public.

### **Judicial Inclusion of Women's Perspectives: Past & Present**

In Canadian law, women were originally not considered to be 'persons' and consequently, were restricted from a variety of rights which men were automatically granted (Dawson, 2009). For instance, women were unable to participate in public life as men could, and they were also excluded as "active agents" in the legal process (Dawson, 2009, p. 123). While it was taken for granted that men would receive these rights—more specifically, men in privileged positions—women of all social statuses and ethnic backgrounds in Canada had to fight for the very recognition and thus "existence within the law" (p. 123). Simply being included in the law is an indication of one's capability to effect social change. Moreover, the judicial system is highly influenced by male authority which in turn leads to favouring male perspectives. For instance, it can be argued that men see moral problems as "arising from competing rights" in which there ultimately emerges a "winning" side and consequently, a "losing" side (Wilson, 1990, p. 375). As a result, because men tend to see morals stemming from a competitive perspective, the adversarial process inherent in the judicial system comes "easily" to them (p. 375). Thus, the very nature and foundation of the judicial system is biased and geared towards masculine perspectives and viewpoints. In juxtaposition, women arguably see moral problems as stemming from "competing obligations," and consequently the goal is not seen as an opposition in which one side wins

and the other loses, but instead to “preserve relationships [in order] to develop an ethic of caring” in which there is an “optimum outcome” for all those involved (p. 375). As such, women not only view conflict differently from men, but as a result of these differences in perspective, the rights that women fight for are not only geared towards benefiting other women, but others involved as well. With the case of assisted suicide, women and men can benefit from its legalisation, whether it be for someone directly involved, or someone who is affected, such as close family and friends.

Originally, the right to assisted suicide was illegal in Canada as outlined under the *Criminal Code* (Dying with Dignity Canada Inc., 2011). Because of this, those who assisted someone in suicide were considered “criminals” who could be punished with up to 14 years of imprisonment (Dying with Dignity Canada Inc., 2011, para. 3). This could potentially push the individuals and their loved ones into taking extreme or dangerous measures to ensure that one could die with dignity while those who helped would not be incarcerated. For instance, in the case of Gillian Bennett, although her husband was a witness to her committing suicide, the only way he could help was to ensure that the doctor was *not* brought in on what they were doing (“Gillian Bennett”, 2014). Bennett’s case exemplifies the irony in how individuals must risk the safety of themselves and of their loved ones when attempting to die with dignity. Moreover, by having legislation which prohibits assisted suicide, a gap is then created around precautions and measures that need to be taken to ensure the safety of individuals who are involved. Thus, not only must individuals turn away from institutionalised health care to ensure that the wishes of their dying loved ones are fulfilled, but the absence of standardised measures leaves individuals lacking a model on which to ensure that optimal safety precautions are met in these situations.

Bennett herself had an “intense belief that was something very wrong about the proportion of people who were unable to die the way they chose” (“Gillian Bennett”, 2014, para. 24). This illustrates how the framework of Canadian legislation does not fully reflect the rights of certain Canadians. With the Canadian Parliament considering Rodriguez’s appeal for assisted suicide, those most intimately involved in Rodriguez’s life—such as her family and friends—had the least amount of judicial impact, while the most vocal, best financed, and most manipulative interest groups were the most influential (Bereza, 1994, p. 722). Although this kind of system may work well with less ethical and moral dilemmas, the

adversarial judicial system is problematic when discussing the right to how one is 'allowed' to die. As stated above, the Canadian judicial system is based off of competing rights used to assert power over an individual rather than to pursue a verdict which grants an optimal decision over all those involved. As such, the right to die becomes a battle over the ownership of one's life rather than a process to ensure the rights of all are fairly granted. Bereza (1994), in his analysis of Sue Rodriguez's case, notes that although judges may have the occupational status of "judging" for a living, it becomes problematic with moral dilemmas about dying since most lawmakers have little to no experience with decisions regarding death (p. 722). This lack in training is notably problematic when one's right to die with dignity becomes a process similar to a "battle" rather than a "reasoned ethical discourse" in which the most effort is focused on strengthening one's own argumentative stance while ignoring or deflecting the "legitimate questions and criticisms" of the opposition (p. 723). This is evident in the Rodriguez case where Chief Justice McEachern of the British Columbia Court of Appeal, exasperated by the two lawyers involved in the case, stated that they resembled "two deaf people at a debate, not hearing what the other is saying" (p. 723). Thus, the traditionally masculine-based adversarial justice system is not only ineffective for settling moral cases such as Rodriguez's, but this system may actually exacerbate such ethical issues by transforming one's right to death into a battle of oppositions in which there emerges a 'victor' and thus a 'right answer,' rather than a discourse of how one should go about issues of death.

Finally, even though the dilemma of dying with dignity centres on choosing death or preserving life, in the past it had been based on the foundation of preserving life. This is especially evident in regards to the fact that laws surrounding assisted suicide are found in the *Criminal Code*, a tool of legislation to which threats to society—which suicide in general can be seen as being—are criminalised, punished, and/or lead to incarceration (Butler, Tiedemann, Nicol, & Valiquet, 2013). Again, this foundational belief is built upon the voices of the dominant group. The right to choose death was legislatively recognised when a single voice spoke up from an ageing, dying woman who refused to back down despite having the Canadian courts continuously refuse her rights again and again. Since Sue Rodriguez's case, more and more voices have emerged in the fight to die with dignity.

## CONCLUSION

When women such as Sue Rodriguez challenge the dominant belief of how one should live their life, they not only pave a path for other women and men who want assisted suicide, but they also change society as a whole. When faced with Gillian Bennett's decision to kill herself, Jonathan, her husband, voiced his disapproval of the laws, stating that it makes it "impossible to help a loved one with something as important as death" (Ryan, 2014, para. 17). As such, Rodriguez's legacy has changed the public opinion that women and men have regarding dying with dignity over time. Even though it has mainly been women fighting for the right to assisted suicide, the men in their lives are consequently affected as well. For instance, Jonathan stated that "[Gillian] wouldn't let me help her, and I didn't wish to" (para. 10). Thus, when legislation threatens the safety of women who choose to kill themselves, men, such as Jonathan Bennett, are unable to help their partners.

Since normative ideas of what one's 'rights' are concerning death are thrown into question, people have become more outspoken about issues of assisted death whereas before it may have been too taboo of a subject; and the waves of societal norms and transgressions are ultimately changed. As Justice Abella (2000) stated: "The ebbing and flowing, the critical scrutiny, and the inherent relational tensions, are inevitable" within society, and as the perspectives of society changes, so will the "political will" (para. 14). Canadian law is built upon a democratic foundational institution in which the sole focus is not on the wishes of the majority, but instead, is geared towards "the protection of [minority] rights *notwithstanding* [my emphasis] the wishes of the majority" (para. 15). While the goal of legislative instruments may be to protect the rights of minorities despite majority opinion, Canada's system had originally failed to do so when denying Sue Rodriguez's initial appeal for the right to assisted suicide. As a woman fighting for an unpopular opinion at the time, the odds were doubly stacked against Rodriguez's favour. As such, where the law makes fast and powerful tidal impacts for dominant groups, the Canadian legislative system moved in slow, steady waves for the right to die with dignity. It took the course of over ten years' worth of social change, legal action, and women literally fighting with their last breath before Rodriguez's appeal finally bore fruition. Those in the forefront of the battle over the right to one's death, such as Sue Rodriguez, Kay Carter, and Gloria Taylor, built a historical foundation for the



legalisation of physician-assisted suicide, grasping the very same man-made legislative tools used against them to not only better their own lives and deaths, but to ultimately benefit Canadian society as a whole. ▀

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# Geographies of Resistance: Urban Indigenous Women Resisting Violence and Reclaiming Identity

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## ABSTRACT

In this paper, I evaluate the ways in which urban Indigenous women have represented themselves through multiple artistic mediums in order to subvert colonial narratives of their victimisation. My research sites include the *#ITENDSHERE* blog series, the short film *A Red Girl's Reasoning*, Rebecca Belmore's street performance *Vigil*, and Deanna Bittern's art piece *She*. Preceding my analysis of these research sites, I contextualise these acts of reclaiming space within larger discourses and realities of colonial violence that Indigenous women face, with specific reference to Canada's Indian Act, as well as the large number of missing and murdered Indigenous women. Through these exemplary research sites, I hope to illuminate how the Indigenous women referred to in this paper, as well as many others, are taking justice into their own hands by creating spaces of resistance through self representation.

## INTRODUCTION

Urban Indigenous women have been actively engaging in self- representation in an effort to organise against the violence they experience due to continuing systems of capitalism and colonialism. This paper contextualises today's violence against Indigenous women through an explanation of how in Canada, the dispossession of Indigenous peoples from their lands has directly lead to "zones of degeneracy" in urban areas (Razack, 2000, p.130). Drawing upon Razack (2000) and Lawrence (2003), who engage in discussions

concerning how Indigenous women in urban colonial spaces resist violence and negotiate negative representations of themselves, I evaluate the ways that many women write alternative scripts in order to subvert colonial narratives of their victimisation. My research sites include contributions to the *#ITENDSHERE* blog series; the short film *A Red Girl's Reasoning*; Rebecca Belmore's street performance, *Vigil*; and Deanna Bittern's art piece, *She*. This paper explores how the work of these Indigenous women in urban contexts reclaims and asserts Indigenous female identity. Examining these current projects as sites of decolonisation is significant because it illuminates how a number of new and innovative mediums are being utilised by urban Indigenous women to enact cultural resurgence.

### Historical Context

Benita Lawrence (2003), an Indigenous feminist scholar who specialises in the historical marginalisation of native women in Canada and the United States, examines the ongoing effects of the Indian Act, a bill that took 'Indian' status away from many women following its installation in 1876. Indigenous women whose status was revoked lost their ability to live on reserves and were forced out of their communities, effectively isolating them from both their culture and loved ones. This had immense repercussions on not only the women displaced by the original legislature, but also on the generations of their descendants who grew up off reserve with little or no connection to their Indigenous identity. In effect, Indigenous peoples who lost status due to the Indian Act were displaced yet again, forced to migrate to urban settings, where fewer resources could be allocated to them. The bill especially targeted women, forcing those who married non-Indigenous men off reserves, often leading them to poverty and isolation in urban centres and, for some, into survival sex work. Lawrence (2003) explains that "gender has thus been crucial to determining not only who has been able to stay in Native communities, but who has been called 'mixed-blood' and externalized as such" (p.15). The Indian Act was rooted in patriarchal notions that denied Indigenous women full sovereignty over their relationships and movement. The displacement of Indigenous women from their communities is largely to blame for the violence they often experience living in cities.

### **Spatialised Sexual Violence**

Feminist scholar and sociologist Sherene Razack (2000) describes certain urban spaces as “zones of degeneracy,” which are areas that typically house low income residents as well as the drug and sex trades (p. 130). It is these zones that Indigenous women who were dispossessed by the Indian Act often occupy. Razack explains that when Indigenous peoples were “forced to migrate to the cities in search of work and housing, urban Aboriginal peoples [found themselves limited to]...places like the Stroll,” a zone of degeneracy in Regina (p. 95). As a continuation of colonialism, Indigenous peoples were kept separate from the rest of society and lived in poorly funded neighbourhoods. Razack (2000) further articulates that “[C]anada’s colonial geographies exhibit this same pattern of violent expulsions, and the spatial containment of Aboriginal peoples to marginalized areas of the city” (p. 97). In Canada, the dispossession of Indigenous peoples from their lands continues to impact urban areas, taking on the form of demarcated zones of poverty.

Razack (2000) analyses the murder of Pamela George, an Indigenous woman and sex worker who was driven outside of the Regina urban centre by two White men and attacked. Razack articulates how George “was considered to belong to a space in which violence routinely occurs, and to have a body that is routinely violated, while her killers were presumed to be far removed from this zone” (p. 93). Bodies within such zones are devalued and seen to be deserving of violence. This is evidenced both in the lacklustre media reporting surrounding missing and murdered Indigenous women, as well as through the police/court negligence of such cases. Gilchrist’s (2010) research outlines the concrete ways that Indigenous women’s marginality and criminality are reproduced in dominant media reporting. In her analysis of mainstream media reporting surrounding the victims of Robert Pickton, she found that “White women were mentioned in the local press a total of 511 times compared with only 82 times for the Aboriginal women; more than six times as often” (p. 379). Indigenous women are thus understood as being less valued in comparison to White women. Local police forces are often less likely to pursue cases of missing Aboriginal women because they are seen as being “transients on the move” (Razack, 2000, p. 106). The “ongoing displacement, relocation and search for a safe place that is a consistent theme in the lives of most native women” has become an excuse for law enforcement to abandon the search for missing women before it has even begun (p. 106).

The violence that Indigenous women encounter within the confines of certain neighbourhoods is a punishment for their inability to assimilate into White-dominated spaces elsewhere—precisely the issue that the contemporary projects I will analyse are concerned with.

### **Reclamation of Voice and Identity**

It is under these aforementioned harsh circumstances that the need for self-representation and empowerment becomes a necessary tool to facilitate positive existence, both for the larger urban Indigenous communities as well as for urban Indigenous women. It has been noted that Indigenous women find themselves largely erased from depictions of urban life (both within visual media and media discourses): “representations of... inner-city neighborhoods in Western Canada are characterized by a marked invisibility of Aboriginal people, and women in particular” (Krouse, Applegate & Howard-Bobiwash, 2009, p. 76). The importance of positive representations of Indigenous women—contrary to the common sexualised and dehumanised images that dominate mainstream media—is paramount. As Krouse, Applegate, and Howard-Bobiwash (2009) explain, “[i]n this struggle, visibility and recognition are inseparable from the goals of material survival” (p. 78). Even harsher representations that accurately represent how urban Indigenous women experience ongoing colonialism can play a role in attracting the attention of larger settler populations and contribute to overall changes in attitude. Guntarik (2009) agrees with this claim and asserts the growing trend of “Indigenous efforts to reclaim their voices through explicit cultural practices, and within literary and visual narratives” (p. 308). She goes on to accuse Western colonial society of “continu[ing] to ignore this cultural knowledge and, in doing so, they eclipse broader awareness about issues of significance for Indigenous communities” (p. 308). Million (2009) agrees with Guntarik, affirming that the experiences of Indigenous women as well as the knowledge they possess continues to be relegated to the margins, “reminiscent of the past silences” (p. 270). The suppression of Indigenous women’s voices has spurred on many grassroots activists/artists who, through acts of creation, are together building a movement based on the foundational principles of decolonisation and representation. Many Indigenous women specifically have been engaging in processes of colonial resistance through the act of representation by using various artistic and activist mediums to express themselves and their identities.

## RESEARCH SITES

The four research sites I have chosen to include in this paper exemplify the wide range of platforms currently being used by urban Indigenous women to assert empowering representations of their identities. These projects are situated in opposition to mainstream media that often portray Indigenous womanhood through a negative lens. Additionally, because individuals living at the margins of society are given less access to more established publications, these sites point to how we must begin to recognise alternative and artistic media as vital to grasping today's socio-political issues. For the purpose of this paper, I define *urban contexts* as either representations created by urban Indigenous women, or depictions/discussions of Indigenous women in urban spaces. Using this framework, there are many different projects I could have analysed, as countless urban Indigenous women are engaging in a process of activism and self-representation. Many such projects are showcased at annual festivals such as the imagineNATIVE Film and Media Arts Festival as well as the Talking Stick Festival. Films, songs, dances, visual art, poetry and blogging are a few of the more popular mediums urban Indigenous women have been utilising to depict themselves and their culture as contemporary sites of resistance to colonial powers. I chose these four sites because I felt they best sampled the range of topics and mediums, pointing to the depth and breadth that urban Indigenous women have been able to call upon in order to subvert dominant representations. By selecting the four mediums of blogging, film, street performance and visual art for this paper, I hoped to engage readers who may prefer varying levels of audience engagement with artistic resurgence sites.

The effort and commitment necessary to standing in the street to witness an active performance as opposed to reading blog posts online varies greatly. Comfort and ability both impact an individual's likelihood of interacting with certain artistic mediums and so I wanted to be sure to cover a wide range within this paper for a couple of reasons. Firstly, so as to reach a wider audience made up of individuals who possess varying interests and abilities to engage with this topic; and secondly, to demonstrate how urban Indigenous women are embodying what radical inclusion looks like by sharing their personal and unique interests and talents with the wider Indigenous and settler communities.

I will first discuss the #ITENDSHERE blog series (published in 2014), which includes blog posts from many acclaimed Indigenous writers

discussing gendered and colonial violence. The posts were written in the wake of Loretta Saunders' murder in 2014, an Inuk woman who was studying missing and murdered Indigenous women at the time. There are a number of (mostly academic) voices included in this blog series that speak to how violence continually affects Indigenous communities. Since the original publication of this paper, the *#ITENDSHERE* blog has been taken down for reasons unknown to the public; however, I still believe it is an important site to discuss and reference because of the large impact it made throughout both academic and non-academic circles while it was online and available. Additionally, the blogging medium has been especially popular among young Indigenous people, as well as Indigenous academics, who may not feel comfortable or have a desire to fully express themselves in colonial academic spaces.

The next site I will analyse is the short film *A Red Girl's Reasoning*, written and directed by Elle-Máijá Tailfeathers, a Blackfoot/Sami woman (Stiffarm & Tailfeathers, 2012). The film won Best Canadian Short Drama at the ImagineNATIVE film festival in 2012 for its depiction of an Indigenous woman vigilante/superhero. I have chosen this film because it was widely seen and reviewed at the time of its release, likely due to its overt representation of urban violence towards Indigenous women (Verstraten, 2013). Additionally, for some time following its release the film was available online at no cost, thus making it accessible to a wider audience, especially due to the shorter length of the film (10 minutes). The film, similarly to the chosen blogging medium, was available to online users fairly easily, making these two pieces important acts of resistance as they overtly or inadvertently are accessible to lower income and disabled audiences.

Following *A Red Girl's Reasoning*, I will analyse *Vigil*—a street performance by Rebecca Belmore (2002). She “pushes the boundaries of women's art in various art forms by representing social, and economic injustice... as well as personal issues of identity, loss, and love” (Gray, 2009, p. 273). *Vigil* specifically addresses the politics of representation surrounding the missing and murdered women Indigenous women of Vancouver's Downtown Eastside neighbourhood. She performs her piece in the middle of the Downtown Eastside itself—an urban centre known for its poverty and home to many Indigenous people. By performing the piece in the space where so many women have in actuality faced and resisted violence, Belmore enacts a type of haunting that unsettles colonial



narratives as well as spatial temporality (Dean, 2010). What I mean by this is that through her performance, Belmore indicates that colonisation did not simply take place in the historical past tense, but remains an ongoing reality, especially for Indigenous women who continue to face violence. Additionally, because Belmore's piece is performed in the Downtown Eastside, it becomes available to residents living there who wish to engage with this type of activism or even individuals walking by on the streets who may find other mediums of art inaccessible in spaces such as galleries, museums or online spaces. Thus, her performance piece reaches a specific audience due to its location in the Downtown Eastside while also implicating the wider public by calling upon the spirits of missing and murdered women to unsettle notions of a colonial past. This haunting notion, made possible through the physical location of the performance, makes the piece an important contribution to this paper as the locality and spatial aspect of her work greatly differs from my other research sites.

Lastly, I will discuss *She*, an art piece by Deanna Bittern, a woman of Ojibwe descent, which is displayed in Vancouver's Museum of Anthropology and specifically within the *Claiming Space: Voices of Urban Aboriginal Youth Exhibit*. The space that has been carved out of the larger museum provides a platform for Indigenous youth to create and display artistic and written pieces on the topic of Indigenous identity. Similarly to Belmore's performance art piece, the image situates a young Indigenous woman within the urban space of the Downtown Eastside. However, because the image and accompanying description are available in a museum space, the unsettling of the 'colonial past' is accomplished not through the specific spatial haunting incorporated into Belmore's piece, but through the subversion of the colonial museum space. Bittern's contribution to the *Claiming Space* exhibit, as well the exhibit as a whole, allows urban Indigenous youth to represent their culture as a present reality as opposed to a relic of the past (implied throughout the rest of the museum). I felt that this too provided an important contribution to my research paper, as this site specifically catered to students and academics, thus challenging problematic notions often reinforced within the mainstream education system that Indigenous peoples are a victimised civilisation of the past. The primary understanding that the exhibit opposed is that of 'the disappearing Indian'—a trope used to illustrate how representations of Indigenous people often depict them as a dead civilisation, a thing of the past. Thomas King (2012) in his novel *The*

*Inconvenient Indian* explains that in order for the project of colonisation to be complete, the settler public must erase Indigenous people from the present and make them into an artefact of the past, or simply negate their existence altogether, in order to claim land ownership. Bittern's *She* responds directly to such rhetoric and through imagery situates an Indigenous woman in urban spaces, sending the clear message that both the woman and wider community is ever present—not only on reserves (a space automatically associated with Indigeneity), but in urban centres as well.

Though each of these pieces addresses the issue of colonial violence against Indigenous women, each artist approaches this topic using a different lens and medium. All four of these research sites cater to a variety of differing audiences: whether that be individuals who may require a viewing of art from the comfort of their own home, those living in the Downtown Eastside, or students and academics in a university space. In addition, the placement of these pieces in a number of mediums allows different colonial structures to be held accountable and subverted by this art, not limited to but including the mainstream media, 'public' lower income neighbourhoods, and academic museum spaces. The wide reach and implications of these pieces make them important sites for analysis within this paper.

### **The #ITENDSHERE Blog Series**

Tara Williamson (2014) begins the series with her piece 'Don't Be Tricked,' a blog post about how all Indigenous women live under the confines of colonial violence where survival is never a guarantee. She discusses the ways that individual cases of violence are not contextualised within a larger culture that devalues Indigenous women, thus making such violence appear isolated. Sarah Hunt (2013) further comments on this phenomenon, saying that "colonial violence can be understood as more than just interpersonal abuse—it is inherent in the systems that have shaped how we define ourselves and relate to one another as Indigenous people" (para. 9). Leanne Simpson (2014), a renowned author, academic and poet, calls Williamson's piece a "very brave piece of writing" that is "raw" and "angry," especially in the section where she states: "The system and most Canadians don't give a shit about you, how strong and talented you are, how hard you've worked, or where you live. If you are an Indigenous woman, you are a prime target for colonial violence" (as cited in Simp-

son, 2014, para. 5). I read Williamson's harshly real tone as a necessary wake-up call—a summoning of anger to energise Indigenous women. She concludes by reminding her reader not to "be tricked into thinking someone else will do this work" and emphasising that they "are that 'someone else'" who has the power to spark change (para. 25). Throughout the piece, she articulates her distrust of the Canadian government, especially concerning their ability to remedy situations of colonial violence. It is on such grounds that Williamson calls upon Indigenous communities to lead efforts against violence that plagues the lives of countless Indigenous women.

Leanne Simpson (2014), who also contributed to the blog series, follows up Williamson's call for change by asserting that "[t]his is [her] rebellion. This is [her] outrage. This is the beginning of our radical thinking and action" (para. 4). Simpson goes on to detail the ways that Anishinaabeg society existed outside of current heteronormative conceptions of gender, and highlights the autonomy that women had in these pre-colonial spaces. Thus, she links today's violence to currently imposed colonial systems that take sovereignty away from Indigenous nations as well as the women within them. She claims:

I also have very little faith that the federal government has the capacity to undertake an inquiry that will bring about the kind of action and change Indigenous peoples are demanding (Simpson, 2014, para. 25).

Simpson, similarly to Williamson, thereby feels disavowed by the governmental system and does not see the legislative body as a likely leader in ending violence. Many of the blogs on the *#ITENDSHERE* website share this distaste for government. Additionally, they share an emotional tone that is usually not displayed in written work or research found within academia, despite many of the contributors to the blogs being academics themselves. The *#ITENDSHERE* blog series is a cathartic as well as intellectual discussion concerning the ongoing catastrophe of missing and murdered women.

In addition to processing their emotions, the writers showcased in the blog series engaged in an unpacking of how colonial violence is present in a myriad of different forms. Simpson (2014) writes: "resurgence is about bodies and land" (para. 34). She connects the violence done to the bodies of Indigenous women and the lands where these acts take place. An ownership over spaces insinuates the possession of everything and everyone within the confines of that space. Razack (2000) also refers to notions of White ownership over space in her research that details the

murder of Pamela George, who was killed by two White men who felt they had “an unquestioned right to go anywhere and do anything” (p. 95). This entitlement is not unique to George’s murder and is not solely connected to Indigenous women’s bodies, but to broader land issues of Indigenous displacement and resource extraction. This correlation weaves through multiple blog posts, urging readers to see the multiplicity of ways that colonialism affects Indigenous communities and the land that sustains them.

The online forum of *#ITENDSHERE* provided a platform for Indigenous people to speak out against gendered colonial violence without being silenced or co-opted. These blog posts empower Indigenous women, especially in urban contexts, to fight back and recognise systems of oppression that put their lives in danger. They discuss community building and connectedness through a newly utilised online medium. The posts provide a new way to give voice to profoundly raw emotion, and allow for an expression of anger and resistance. Indigenous women, who are too often ignored and silenced by mainstream media, are turning to blogging in order to voice their experiences and problematise realities of colonialism and gendered violence.

### **A Red Girl’s Reasoning**

On December 6th, 2014, Elle-Máijá Tailfeathers spoke to an audience at the Vancouver Art Gallery about her process of creating art as an Indigenous woman. She disclosed that as an actress, she could only attain parts that either involved playing an explicitly Indigenous woman or as a sidekick to a White protagonist. She went on to discuss how, more generally, she saw a lack of empowering Indigenous representation in film, and came to the conclusion that if she desired such portrayals, she would have to make such films herself. It was out of this realisation that *A Red Girl’s Reasoning* was conceived and released in March 2012. The film’s protagonist (Delia), becomes a motorcycle riding vigilante, taking on the attackers of Indigenous women who have been failed by the justice system. After being approached by a woman who was assaulted by the same White man (Brian) who had raped Delia years earlier, Delia takes matters into her own hands. After drugging Brian, she ties him to a metal structure and pours gasoline over his body. Sticking a lit cigarette into his mouth, she leaves him to burn and finally achieves the justice that the courts would not give her. When Brian realises that he is in grave danger, he stops denying his crimes and

begins yelling racial slurs at Delia, demonstrating his true colonial contempt for Indigenous women. However, it is Delia who walks away victorious in the end, knowing that this White man will never again haunt the lives of other Indigenous women.

Within the film Delia is shown beating up White men, both criminals and police officers alike. She does this on the streets and in back alleys, spaces known for being sites of violence towards women. The movie depicts not only a reclamation of voice, but a reclaiming of urban space, as the places that would have likely been avoided by women becomes sites of female empowerment. Drawing attention to the fact that White men feel entitled to public space, a concept discussed by Razack (2000), *Tailfeathers* chooses to subvert this narrative and present an otherwise marginalised woman taking charge of the streets. It is through this act of self-representation that *Tailfeathers* is able to send powerful messages relating to violence endured by Indigenous women, the strength and resistance of such women, and the failure of the Canadian justice system in ending the violence. Though the film has been criticised for depicting violence as an adequate response to the harm done to Indigenous women, I argue that the film merely points out that there is no justice or protective structure serving Indigenous women other than their own acts of resistance. I further argue that a critique of *Tailfeathers*' use of violence yet again limits Indigenous women's agency and upholds a narrow definition of what is 'acceptable' for Indigenous women to embody.

### **Rebecca Belmore's Vigil**

In the centre of Vancouver's Downtown Eastside, Belmore (2002) performs her piece entitled *Vigil* in remembrance of missing and murdered women—many of whom have disappeared from that very neighbourhood (Culbert, 2015). Belmore (2002) begins her piece by scrubbing the streets clean, going on to light tea candles splayed on the ground next to a red dress that she hangs on a piece of wood. She then, reading off her arm where she has inscribed names in pen, yells the names of missing and murdered Indigenous women. As she yells the names, she runs flowers through her teeth, breaking off the petals and leaves, spitting them to the ground. Following this part of her piece, she puts on a red dress and, taking a hammer and nails, begins to attach the dress to a large pole. After a few nails have been attached, she rips herself away from the pole, ripping large tears into the red dress every time. Eventually, the dress is entirely ripped

off of Belmore's body and left attached to the pole in shreds.

Belmore's performance art is entrancing and painful to watch. She claims physical space in Vancouver's downtown core and uses that platform to not simply read, but yell the names of Indigenous women who have gone missing or have been murdered. Her art makes a political statement, pointing to the ways that dominant discourses produced by the media and the government do not remember or memorialise urban Indigenous women. Gray (2009) discusses Belmore's use of the one-time performance pieces as showcasing an Aboriginally influenced style of art activism:

The lack of permanence in Belmore's choice of art is, paradoxically, permanent in terms of being part of the Aboriginal culture of art. It includes the semblance of the past through language, memory, story telling, dance, and song, and incorporates the present through her use of ready made and natural objects such as water, earth, wind, and fire. In this way, her work represents the most permanent and yet impermanence of all creations: memories (p. 274).

Not only does Belmore's message assert Indigenous female identity, but she accomplishes this through a genre that is outside the realm of conventional, colonial ways of communicating political messages. Rebecca Belmore asserts herself in an urban space, causing the public to remember that urban Indigenous women do exist and do face violence. Additionally, as mentioned earlier, Belmore's piece intervenes in colonial conceptions of space by calling upon the 'seething presence' of the missing and murdered women in a haunting fashion (Dean, 2010). Although watching Belmore perform the piece online gave me an eerie feeling, I would imagine viewing the piece in the space where many of these women disappeared from in actuality would leave viewers with an even greater haunting feeling. By calling upon these women to enter the consciousness of viewers the audience becomes haunted by their presence and is forced to engage with colonialism as a system of the present as opposed to an ancient past. This act of memorialising is also an act of resistance, as the piece essentially points to how colonial/gendered violence is a result of years of displacement and injustice on the part of the settler public and colonial institutions.

### **Deanna Bittern's She**

Carved out of the University of British Columbia's Museum of Anthropology, a space exists for urban Indigenous youth to represent themselves.<sup>1</sup>

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1 More information about the *Claiming Space* exhibit can be found here: <http://moa.ubc.ca/claimingspace>

There are many different art forms represented within the exhibit, including but not limited to paintings, poetry, short films and fashion pieces. Hendry (2005) discusses how, traditionally, museums have been places that discuss Indigenous peoples as if they have gone extinct: "the descriptions being in the past tense...give the impression that the people no longer exist" (p. 32). Such exhibits that talk about Indigenous identity solely in the past tense work to invisibilise Indigenous peoples today, who are still very much alive and trying to reclaim a culture that continues to undergo violent erasure. In some museums, however, processes have changed as the opinions of Indigenous groups are considered a necessary step before showcasing their culture (Hendry, 2005). Despite this being a positive step forward, Hendry articulates that "tribal people... are being 'consulted' and 'invited' rather than initiating their own forms of display" (p. 45). The ability to represent one's own culture and experiences is still, in most cases, missing from art institutions. This is why I have chosen a piece from the *Claiming Space* exhibit, as the exhibit is exceptional in its ability to provide urban Indigenous youth with a platform to express themselves and lead a discussion about native identity from their point of view.



**Fig. 1** "I was brought up in comfort and security. As I grew older, I came to the streets. I've never seen the world like this before." Bittern, D. (2013). *She* [Digital Photography]. Source: <http://moa.ubc.ca/claimingspace>

The piece that I felt most reflected the reclamation of space by an Indigenous woman in an urban context was *She* (see Figure 1 above). *She* is an eight piece photo display, in which each image depicts an Indigenous woman posing against a backdrop of Vancouver's Downtown Eastside. Bittern's art can be read as a response to other art pieces that depict an empty landscape, reifying sentiments of *terra nullius*, or 'land belonging to no one.' These depictions contribute to the false concept that there are no Indigenous peoples living on the land, thus justifying colonisation. Portrayals of early Canada as a space of *terra nullius* also weaves through

today's media representation of urban city spaces. Though Indigenous people have a large demographic presence in urban centres, they often remain representationally invisible within mainstream media portrayals of the space. Bittern's piece does the opposite, placing an Indigenous woman at the centre of her work and photographing herself in clearly decaying urban spaces, as if to say 'I am here, I exist, and these are the conditions I am living in.' Bittern's photography sends the message that Indigenous people are very much alive, while also burdened by the ongoing effects of colonialism. Times have changed but the spatial segregation and confinement of Indigenous peoples to spaces where they experience routinised violence continues. *She* is able to eloquently portray the Indigenous urban woman resisting colonial violence through eight photographs.

## CONCLUSION

Throughout this paper, I have engaged with four artistic projects that all seek to positively discuss or portray Indigenous womanhood and unsettle notions that Indigenous people do not belong or do not live in urban spaces. Though they utilise different mediums, the sites all actively discuss gendered colonial violence and allow urban Indigenous women to use their own voices and experiences to effectively subvert the colonial institutions of media, colonised public space, and academic museums. By taking up political activism through art, Indigenous women create a platform that opposes dominant discourses and representations that negatively depict Indigenous womanhood, and instead occupy the frontlines of resistance against larger structures of colonialism itself. Art has provided an important space for such resistance as the rights to such pieces are entirely owned by their creators. The voices of the women discussed above are represented by themselves through mediums that speak to them or which they feel best articulates their opinions. As Sarah Hunt (2014) argues: "an inquiry will only help if it has action attached and if it shifts power into the hands of indigenous women, meaning it is led by Indigenous women" (para. 9). Indigenous women are not waiting for this to happen or for someone to provide an adequate platform to create change. The Indigenous women referred to in this paper as well as many others are taking justice into their own hands by creating spaces of resistance and drawing attention to the ways that realities of violence greatly impact their lives. ▀



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## About the Authors

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Erin is a third-year student at the University of British Columbia, majoring in sociology alongside a Master of Management at the Sauder School of Business in the Bachelor & MM dual degree program. During her time at UBC, she has developed a holistic understanding and passion for social justice issues, informing her decision to study sociology and motivations to make an impact in this field. Her research focuses have been concentrated in ethnic and racial inequality, particularly of visible minorities in Canada and the United States, and barriers to their upward mobility. With her master's degree, Erin has a long-term goal of entering the non-profit sector in a leadership role, practising business for good that benefits society through guiding values of social responsibility and sustainability. She would like to thank *Sojourners* for the highly valuable experience of editing and publishing her first work in a sociology journal. She would like to thank Rima Wilkes, Kerry Greer, and Carrie Yodanis, three female scholars who significantly impacted her education.

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Elizer is a fourth year sociology student who enjoys the process of revealing the underlying connections between everyday experiences and larger societal forces. As a former science student, Elizer has worked hard to improve his observational and analytical skills by practicing Dorothy Smith's 'Institutional Ethnography' through the Urban Ethnographic Field School and Global Citizenship Term Abroad in Guatemala. He is grateful for having the opportunity to work and collaborate with the *Sojourners* co-editors-in-Chief Vesna and Selenna, his fellow peer editor Laura, as well as the handful of professors who have helped him with his paper. Through this experience, Elizer has gained the invaluable skill of using personal narrative to reveal human experience and inequality, and he hopes to use his journey and standpoint as a sociology student to become a caring healthcare professional in the future.

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S. H. McKelvie is a graduate of the University of British Columbia with a Bachelor of Arts (Honours) in sociology. Her research areas include critical legal theory, human rights, postcolonial studies, and political sociology. She has presented her arts-based and ethnographic research at the AUS Humanities and Social Sciences Research Conference and the UBC Graduate Student Council of Sociology Conference. Her work will also be published in a forthcoming volume of *Critical Disability Discourse*. She is very grateful for the opportunity to have collaborated with the editorial team at *Sojourners*. She would like to extend a special recognition to the survivors of the Woodlands School and the community members that invaluabley contributed to her thesis project.

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Erin is a sociology master's student at Portland State University in Portland, Oregon. Her interests broadly include gender and sexuality. Erin is currently working on her master's thesis, which is a qualitative study on queer parents in the Portland area. Erin is particularly interested in identity development among non-binary and gender non-conforming parents, and hopes to integrate concepts from queer theory into her work in sociology. Erin thoroughly enjoyed working with *Sojourners*. The process was transparent and helped her to elevate her paper to the next level.

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## About the Editors

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Now in her third and final year as editor-in-chief of *Sojourners*, Selenna is feeling both excited and sad for leaving such a legacy behind. Working at *Sojourners* has solidified for Selenna her passion for writing and learning, and she will continue developing her skills in journalism school this upcoming school year. Selenna currently works as a journalist for Surrey Women's Centre, and has also worked as a writer for *Her Campus* and the McCreary Centre Society, and as an editorial assistant for *PRISM* Magazine. Selenna has had original research published in the *Journal of Undergraduate Ethnography*. She has also had short stories and poetry published by the Young Writers of Canada and The World Poetry Movement, where she won a gold medal for her poetry. When not in school, Selenna enjoys travelling, or relaxing with her family and friends.

### VESNA PAJOVIĆ

Vesna Pajović is in the final year of her B.A. and will be graduating from UBC with a major in sociology and a minor in French. She is pursuing a master's degree in sociology at the University of Western Ontario next fall, and hopes to specialise in quantitative methodology, digital sociology, and the sociology of technology. She is also a self-taught graphic and web designer, having collaborated with various local organisations and artists to help build their online visual presence. She also appreciates digitality, minimalist design, brutalist architecture, and mental health advocacy and education.

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Iman is a third year international student from Singapore, majoring in

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Julia is in her third year, pursuing a double major in sociology and English literature. Academically, she is passionate about the power of stories and oral histories in creating identities, communities, and meaningful social change. During her time at UBC, Julia has been involved with the Inclusive Campus Project, Access and Diversity, the Multidisciplinary Undergraduate Research Conference, and has edited for *Sojourners*, *Ignite*, and the *Journal of Art History & Visual Culture*. She appreciates having had the opportunity to work and collaborate with the dynamic *Sojourners* team!

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Outside of overthinking everyday events due to the inescapable lens of sociology, she enjoys listening to music (plus the dance & sing-along),

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Arielle Rozen is a fourth year sociology major. Her research interests are gender and sexuality and how the media representations them. She has taken part in many creative writing courses where she specialises in fiction and film. Currently she is working on both her first novel and feature length screenplay. While at Capilano University, she received her associate degree in creative writing. During this time, she worked as an editor for the university's student publication *The Liar* where she also had two short stories published. Working as an associate editor for *Sojourners* has given her the ability to hone in on her skills through an academic lens.

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Sylvia Szczepanska is a fourth-year Sociology major at UBC. Her primary

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