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II.

Third-Wave Anti-rape Activism on Neoliberal Terrain: The Garneau Sisterhood

Lise Gotell

This section of the book decentres law by exploring the potential for social change in women's community-based activism, which the work of the Garneau Sisterhood exemplifies. Lise Gotell's chapter places the poster-ing campaign of the Sisterhood, consciously modelled on the work of Jane Doe's own posters that defied the Toronto police as described in "The Victories of Jane Doe," in the context of neoliberal erosion of feminist equality gains and the reassignment of the responsibility for managing the risk of rape to individual women. She demonstrates how police warnings to women during the course of the Garneau investigation mirrored many of the same attitudes and assumptions about men, women, and rape that plagued the investigation of the "Balcony Rapist." Lise describes the Sisterhood's campaign as one that successfully inverted the individualizing and woman-blaming that characterizes police and media responses to sexual assault, and argues that its brilliance lay in the fact that it is easily replicable by other communities of women engaging in third-wave feminism.

Instead of ceding the power to define intervention to administrators caught up in the culture of risk management, feminists might practice publicly perverting and mocking the language in a manner that highlights how non-sensical it is to socialize women to stop rape.¹

The victory in *Jane Doe v Metropolitan Toronto Police*² resulted from the "sustained collaborative work" of "feminist activists, lawyers, experts and judges."³ Ten years later, however, the basis for such strategic collaborations has been eroded. The possibilities for strategic feminist uses of law have been undermined through the defunding of wo-

- 1 Rachel Hall, "It Can Happen to You': Rape Prevention in the Age of Risk Management" (2004) 19 *Hypatia* 1 at 12.
- 2 *Jane Doe v Metropolitan Toronto (Municipality) Commissioners of Police* (1998), 39 OR (3d) 487 (Ont Ct (Gen Div)) [*Jane Doe*].
- 3 Elizabeth Sheehy, "Causation, Common Sense, and the Common Law: Replacing Unexamined Assumptions with What We Know about Male Violence against Women or From *Jane Doe* to Bonnie Mooney" (2005) 17 *CJWL* 97 at 115.

men's movement organizations, the delegitimization of feminist knowledges, and the political erasure of gender equality.⁴ What are the specific implications of neoliberal governance for feminist campaigns against sexual violence? With the decline of national feminist organizing and the removal of state supports that had facilitated political and legal interventions, the possibilities of new policy and law reforms that might address the continued realities of sexual violence may have indeed collapsed. Yet this might also be a time for feminists to explore the creative possibilities of new strategies and tactics that challenge the centrality of law reform and expand the terrain of the extra-legal.

Consciously imitating WAVAW's 1986 poster campaign that led to the arrest of the "Balcony Rapist,"⁵ with resistant messages ripped from the pages of *The Story of Jane Doe*,⁶ the Garneau Sisterhood's campaign stands as an example of the productive possibilities of contemporary grassroots anti-rape activism.

In 2008, several⁷ violent rapes occurred in Garneau, an Edmonton neighbourhood bordering the University of Alberta. It was not until three women living within a one-block radius were attacked that the Edmonton Police Service released a public advisory.⁸ After a fourth sexual assault in the suburban neighbourhood of Aspen Gardens, the police warnings intensified and all women "living alone" (in the heat

- 4 Janine Brodie, "We Are all Equal Now: Contemporary Gender Politics in Canada" (2008) 9 *Feminist Theory* 145; Lise Gotell, "The Discursive Disappearance of Sexualized Violence: Feminist Law Reform, Judicial Resistance and Neo-liberal Sexual Citizenship" in Dorothy E Chunn, Susan B Boyd & Hester Lessard, eds, *Feminism, Law and Social Change: (Re)action and Resistance* (Vancouver: UBC Press, 2007) 127.
- 5 Jane Doe, together with Women Against Violence Against Women, posterized the downtown Toronto neighbourhood where the rapes were occurring: RAPIST IN THIS AREA. He is medium build, black hair.... The police are not warning women. Why? What can you do? Attend a public meeting at..." The day after the posters went up, the police got a tip that led to the perpetrator's arrest: Jane Doe, *The Story of Jane Doe: A Book About Rape* (Toronto: Random House, 2003) [*The Story of Jane Doe*].
- 6 *The Story of Jane Doe*, *ibid*.
- 7 Four sexual assaults were reported to police. Given that police reporting rates have remained consistently low, never rising above 10 percent since they began to be tracked, it is very likely that this perpetrator attacked more women. It is rumoured that he threatened his victims, vowing to return if they called the police.
- 8 The first attack occurred in February when a man broke into a house and sexually assaulted a twenty-four-year-old woman. In early May, the man returned, broke into the same house, and sexually assaulted a forty-seven-year-old woman living in a second suite. In late May, a twenty-one-year-old woman who lived in a house across the alley was pepper-sprayed and sexually assaulted by the same perpetrator. "Police warn of Garneau sex assaults" *Edmonton Journal* (28 May 2008), online: <<http://www2.canada.com/edmontonjournal/news/cityplus/story.html?id=3549a8d6-63a9-4503-b8ad-ac6c3583d8cd>>.



of late summer) were repeatedly advised to be vigilant. In response to these events, a group of neighbourhood women calling themselves the Garneau Sisterhood mounted a poster and media campaign challenging the disciplinary and individualizing thrust of police warnings.

This paper will analyze these events against the backdrop of neoliberalism. As I will argue, practices of risk management and sexual safekeeping have become primary governmental technologies for responding to sexual assault. Police warnings constitute one manifestation of risk management technologies that together have the effect of erasing sexual violence as a systemic problem and transforming it into something that individual women should try to avoid. The Garneau Sisterhood's campaign, conducted anonymously and without links to established organizations, interrupts these neoliberal technologies by calling upon women to actively reject their assigned role as safety-conscious victims-in-waiting. This campaign was marked by great irreverence and a DIY ("do it yourself") style of direct activism characteristic of third-wave feminism. In its creative and edgy challenge to risk management discourses, the Garneau Sisterhood demonstrates the strategic importance of extra-legal feminist struggles within the difficult context of neoliberal governance.

SITUATING MYSELF/LOCATING THE GARNEAU ATTACKS

In an important article on "survivor discourse," Linda Alcoff and Laura Gray⁹ interrogate the second-wave feminist strategy of "breaking the

9 "Survivor Discourse: Transgression or Recuperation?" (1993) 18 *Signs* 260.

silence,” arguing that speaking out may not necessarily be liberating. They catalogue the multiple ways that survivor speech can be recuperated, depoliticized, and thus rendered compatible with dominant discourse. Escaping this confessional structure is difficult, though Alcoff and Gray emphasize the resistant potential of survivor discourses that manage to maintain the autonomy of the speaking subject, to disenfranchise outside experts, and to allow survivors themselves to become theorists of experience. *The Story of Jane Doe* exemplifies what Alcoff and Gray refer to as “subversive speaking”¹⁰ — a raped woman chronicling her struggle to effect systematic change, bringing a feminist perspective to the lived experience of rape, and exposing the deep flaws in the criminal justice system.

As for me, I have never had too much confidence that my words could resist recuperation — or perhaps I have just been cowardly, reluctant to surrender the objective voice that has helped to ensure the authority of my own scholarly work on sexual assault. It is hard enough to do feminist work on rape and law, and perhaps harder still when one comes out as a survivor. But I am implicated in what I write here in ways that should not be erased. Like Jane Doe and the women attacked by the Garneau rapist, I was sexually assaulted by a serial rapist who broke into my downtown Toronto house. I was a young graduate student, woken in the night by a man with a knife. Even though the police told me they believed I had been attacked by someone who was responsible for other rapes in the area, there were no warnings. And when, like Jane Doe, I asked why I didn’t know that a serial rapist was targeting women in my neighbourhood, I too was told that this just creates hysteria and makes investigations more difficult.

This was now more than twenty years ago, but police unwillingness to provide women with concrete and useful warnings seems to be as much a problem now as it was then, despite the victory in *Jane Doe*.¹¹ Constructions of women as hysterical and erratic are still used to rationalize police failure to warn women when they become potential targets of serial rapists. Exaggerated beliefs in the prevalence of false reports also appear to have great resilience and longevity. Indeed as Jan Jordan has noted, despite efforts by police departments around the world to improve their investigative procedures and treatment of com-

¹⁰ *Ibid* at 282.

¹¹ In *Jane Doe*, *supra* note 2, the police were held accountable in law for sex discrimination in violation of s 15 of the *Charter* and for negligence in the investigation of a serial rapist.

plainants (including training and awareness, specialized sex crimes units and greater deployment of women officers), “[a]ttrition rates in rape cases continue to be high, reporting rates remain low and beliefs about false complaints remain high.”¹² Teresa DuBois’ recent research¹³ demonstrates how police officers are explicitly trained to approach sexual assault investigations with the suspicion that complainants are lying. Statistics indicate that police unfounding rates remain high in the Canadian context.¹⁴

Evidence of systemic sexism in the investigation of sexual assault complaints by the Toronto police that was marshalled at the *Jane Doe* trial¹⁵ could just as easily describe the police response to Edmonton’s Garneau rapist. In a depressing repetition of the 1986 response to Toronto’s Balcony Rapist, Edmonton police investigators were rumoured to have disbelieved the first survivor’s story of having been attacked by a stranger, and to have doubted the second report because of the improbability of a perpetrator returning after three months to attack another woman in the same house.¹⁶ Three and a half months passed and three women (all living within a stone’s throw of each other) were assaulted before the police issued any information about these attacks.

Garneau is a hybrid neighbourhood where university professors and doctors live in new infills and renovated historic houses, while students and other young people live in crowded, poorly maintained rental accommodations. But Garneau’s proximity to the university and its location close to Edmonton’s trendy Whyte Avenue mark it

12 *The Word of a Woman? Police, Rape and Belief* (New York: Palgrave MacMillan, 2004) at 60.

13 “Police Investigation of Sexual Assault Complaints: How Far Have We Come Since *Jane Doe*?” Chapter 9 in this book.

14 Holly Johnson, “Limits of a Criminal Justice Response: Trends in Police and Court Processing of Sexual Assault,” Chapter 24 in this book.

15 For a discussion, see Sheehy, *supra* note 3 at 94–96.

16 Rumours circulated among sexual assault workers and community members that the police disbelieved the first survivor’s claim to have been attacked by a stranger, viewing the attack as a probable domestic assault. A second stranger assault in the same house (though occurring in a different suite) was seen as defying probability. As Sheehy, *supra* note 3 at 92–93 recounts, in the 1986 police response to the balcony rapes, “the police simply didn’t believe the first two women and apparently remained skeptical even in the face of the third woman’s report. The investigative reports were manifestly incomplete, such that a proposed charge of public mischief against the second woman who reported to police may well have succeeded had the police pursued it.”

as a middle-class space, rigidly demarcated from the inner city that is across a river and to the north. Like the social geography of Regina mapped so carefully by Sherene Razack,¹⁷ Edmonton is a city divided by race and class. Colonization marks the social geography of Western Canadian cities, creating boundaries between the white middle-class spaces, ruled by norms of universal justice, and the racialized spaces of the inner city and reserve, constructed as zones of violence. Edmonton is an epicentre in the national tragedy of missing and murdered Aboriginal women and yet, the routine violence enacted on the bodies of Aboriginal women nearly escapes register.¹⁸ Women engaged in survival sex work in Edmonton are overwhelmingly of Aboriginal descent¹⁹ and the constant violence they experience, documented in the bad date sheets produced monthly by outreach agencies, becomes visible only when it results in death. As Razack²⁰ has argued, sexual violence against Aboriginal women is an ongoing repetition of the colonial encounter. Violence against Aboriginal women is both sanctioned through law's blindness and contained in spaces like inner-city Edmonton, where this violence it becomes routinized and treated as if it were a naturally occurring phenomenon. By contrast and only in relation, episodic acts of sexual violence in middle-class neighbourhoods like Garneau and suburban Aspen Gardens can be depicted as if sharply separated from the everyday. What connects these sites and rationalizes this dynamic of erasure and (eventual) hypervisibility is the contemporary reconfiguration of sexual violence as a risk to be managed by responsibilized, crime-preventing subjects.

**NEOLIBERAL RAPE PREVENTION:
MANAGING RISK, MANAGING RAPE**

After the Aspen Gardens assault, and in an atmosphere of increasing

17 "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George" (2000) 15 CJLS 91.

18 Safedmonton, Prostitution Working Group, "Working Together to Address Sexual Exploitation in Edmonton" (2007), online: <http://www.edmonton.ca/city_government/city_organization/prostitution-working-group.aspx>; *Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Aboriginal Women in Canada* (Ottawa: Amnesty International, 2004); Sandra Lambertus, *Addressing Violence Perpetrated Against Aboriginal Women in Alberta: Final Report*, Project Lifeline: Study Funded by the Alberta Solicitor General Victims of Crime Fund (2007), online: <<http://www.whrn.ca/documents/LifelineEBook.pdf>>.

19 Safedmonton Prostitution Working Group, *ibid* at 13.

20 Razack, *supra* note at 17.

media scrutiny of the police investigation, a CBC reporter asked me to explain how the Edmonton police could be ignoring the lessons of the *Jane Doe* case. The reporter had covered the release of the *Jane Doe* decision in 1998 and was aware of its implications for police investigations. She speculated that the second and third unwarned “victims” of the Garneau rapist had the basis for similar lawsuits. My answer to her could not be contained in a sound-bite. Police response to the Garneau and Aspen Gardens assaults, including the initial failure to warn and the subsequent production and intensification of disciplinary warnings, tells us a great deal about the reconfiguration of sexual violence in and through neoliberalism.

Sexual assault means something different now than it might have once meant. The discovery of a serial rapist brings sexual violence out into public view, making it momentarily visible, ironically revealing a problem that has been erased. We live in a time in which the widespread problem of sexual assault has been dropped from political agendas, contrasting with a brief period when second-wave feminists enjoyed some limited success in gaining legal recognition of sexual violence as an object of state intervention.²¹

In the aftermath of the Montreal Massacre,²² Canadian feminist anti-violence and anti-rape activists achieved policy advances, particularly on the terrain of criminal law reform, enjoyed discursive successes and participated in innovative consultative forums with federal government actors.²³ The sexual assault law reforms that emerged out of these processes, encoding a legislative definition of consent as voluntary agreement, limiting the defence of mistaken belief, and enacting restrictions on the uses of sexual history evidence and complainants’ confidential records in trials, stand as significant feminist achievements in a period otherwise characterized by the increasing marginalization

21 Gotell, *supra* note 4.

22 On 6 December 1989, Marc Lepine entered an engineering building at l’École Polytechnique de Montréal, ordered the men to leave, shot fourteen young women to death, screaming that they were a “bunch of feminists,” and then killed himself. In a note, he described the murders as political and blamed feminism for ruining his life. In 1991, the federal government established December 6th as an annual National Day of Remembrance and Action on Violence Against Women.

23 For analysis of the policy impact of the Montreal Massacre, see Lise Gotell, “A Critical Look at State Discourse on ‘Violence Against Women’: Some Implications for Feminist Politics and Women’s Citizenship” in Manon Tremblay & Caroline Andrew, eds, *Women and Political Representation in Canada* (Ottawa: University of Ottawa Press, 1997) 127.

of the women's movement.²⁴ During government consultations held during the 1990s, national women's groups and frontline workers laid out an agenda that extended well beyond criminal law reform, framing sexual violence as a systemic problem deeply rooted in gendered and racialized inequalities, and demanding state action on a number of fronts, including social policy, public education and, crucially, the provision of a stable funding base for independent, women-controlled, frontline work and activism.²⁵ And although state actors successfully channelled this broad agenda into a much narrower emphasis on criminal justice reform, systemic understandings of sexual violence as serious, pervasive, and gendered explicitly framed the legislation enacting the 1990s sexual assault amendments.²⁶

The victory in *Jane Doe*, recognizing systemic sexism in police investigations as a violation of *Charter* sexual equality, must be situated in this moment during which feminist claims regarding the structural nature of sexual violence were at least intelligible. This victory, as Elizabeth Sheehy contends,²⁷ was the result of Jane Doe's intelligence and commitment, and the collaborative work of national women's organizations and feminist lawyers, experts, and judges. But as Sheehy reminds us, legal victories are fragile and must be claimed and reclaimed. And, in the context of the present, the victory of *Jane Doe* must be reclaimed on a new and more difficult terrain where the links that second-wave feminists forged between sexual violence and systemic power relations have been severed.

Feminist analysts have charted the rapid disappearance of gender and the gender equality agenda from public discourse over the past two and a half decades.²⁸ The ascendance of neoliberalism in Canada has led to erosion of structural factors in the formation of policy and to the delegitimization of feminist actors. Ascendent political rationalities privilege self-sufficiency, stigmatizing public provision and claims-making on the basis of social disadvantage. Canadian feminist organizations have been recast as "special interest groups," antithetical to a public good defined in terms of restraint, privatization, and personal re-

24 Gotell, *supra* note 4 at 130–31.

25 Canadian Association of Sexual Assault Centres, *99 Federal Steps to End Violence Against Women* (1993), online: <<http://www.casac.ca/english/99steps/99steps.htm>>.

26 Gotell, *supra* note 4 at 131.

27 *Supra* note 3.

28 Brodie, *supra* note 4; Jane Jenson, "Citizenship in the Era of 'New Social Risks': What Happened to Gender Inequalities" in Yasmeen Abu-Laban, ed., *Gendering the Nation-State: Canadian and Comparative Perspectives* (Vancouver: UBC Press, 2008) 185.

sponsibility.²⁹ The disappearance of sexual violence as an object of public policy can be linked to these broader transformations in state form and citizenship norms. The policy field once signified by “violence against women” has been evacuated and replaced with degendered and individualized policy frameworks. The recognition of sexual assault as a policy problem, even through the limited and individualized lens of criminal law, has all but disappeared.³⁰

With the election of the Harper Conservatives, the defiant erasure of sexual violence as a social problem is evident. While embracing an explicit right-wing law-and-order agenda, the gendered dimensions of “crime” have been deliberately silenced in political rhetoric.³¹ One crucial institutional mechanism by which this has occurred is the elaboration of victims’ services bureaucracies and the now entrenched policy discourse of “victims’ issues.” This discourse erases the gendered character of sexual violence, and reconstructs those who experience rape as undifferentiated victims of crime, requiring generic “rights” and assistance. Now preoccupied with the rights and treatment of individualized, degendered, and deraced “victims,” new policy frameworks avoid linking “crime” to context.³²

This clever disappearing act does not signal a victory over sexual violence, but rather its erasure as an object of policy and public discourse. The delegitimization of feminist voices, the intensification of law-and-order policies, and the erosion of the policy field signified by “violence against women” must be viewed within and alongside the ascendancy of neoliberal governance. Once constituted a “social problem” and a legitimate object of government intervention, sexual violence has been reprivatized and individualized, contained within discourses of abstract risk and individuated criminal responsibility.

Contemporary technologies for managing sexual assault, dramatically demonstrated in police warnings and disseminated by the media, rely upon the production of self-regulating subjects. As Sally Engle Merry writes, “As states endeavour to govern more by spend-

29 Janine Brodie, “The Great Undoing: State Formation, Gender Politics, and Social Policy in Canada” in Catherine Kingfisher, ed, *Western Welfare in Decline: Globalization and Women’s Poverty* (Philadelphia: University of Pennsylvania Press, 2002) 90 at 95–96.

30 Gotell, *supra* note 4 at 132–33.

31 Dawn Moore & Erin Donohue, “Harper and Crime: The Great Distraction” in Theresa Healey, ed, *The Harper Record* (Ottawa: Canadian Centre for Policy Alternatives, 2008) 375, online: <http://www.policyalternatives.ca/documents/National_Office_Pubs/2008/HarperRecord/Preface.pdf>.

32 Gotell, *supra* at note 4 at 132–33.

ing less, they have adopted mechanisms that build on individual self-governance and guarded spaces.”³³ Critical criminologists identify “self-discipline” as central to neoliberal crime-prevention strategies: the promotion of safe-keeping and private prudentialism are mechanisms for individualizing and privatizing crime control, shifting the problem of crime away from the state and onto would-be victims.³⁴ Risk management technologies cultivate responsibilized, calculating, crime preventing citizens, who practice and sustain their autonomy by assembling information into personalized strategies that identify and minimize their exposure to harm. As Robert Castel contends, the new preventative politics “deconstruct the concrete subject of intervention, and reconstruct a combination of factors liable to produce risk.”³⁵

The reconfiguration of sexual assault through risk management technologies relies upon these processes of decontextualization in which the systemic problem of sexual violence, rooted in gendered inequalities, normalizes heterosexuality and, in racialized power, becomes disassembled and reduced to abstract factors that render rape more or less probable. Discourses of risk are circulated in rape prevention programs that instruct women to be tough targets of rape by avoiding behaviours such as drinking, leaving drinks unattended, or leaving parties with new acquaintances, that are “correlated with rape.”³⁶ As I have argued elsewhere, these safety pedagogies also mark judicial decisions that, just as they elaborate and apply stricter legal standards of sexual consent, simultaneously promote new forms of normative sexual subjectivity built upon the anticipation of sexual risk and the necessity of clear sexual communication.³⁷ Medicalized regimes for “treating victims” psychologize the harms of rape and promote individualized forms of “recovery” intended to restore the capacity for self-management.³⁸ Risk management discourse frames these various institutional

33 “Spatial Governmentality and the New Urban Social Order: Controlling Gender Violence Through Law” (2001) 103 *American Anthropologist*, NS 16 at 17.

34 *Ibid*; Pat O’Malley, “Risk, Power and Crime Prevention” (1992) 21 *Economy & Society* 252; David Garland, “‘Governmentality’ and the Problem of Crime” (1997) 1 *Theoretical Criminology* 173.

35 “From Dangerousness to Risk” in Graham Burchell, Colin Gordon & Peter Miller, eds, *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991) 281; Hall, *supra* note 1 at 2.

36 Hall, *ibid* at 6.

37 Gotell, *supra* at note 4 at 144–53; Lise Gotell, “Rethinking Affirmative Consent in Canadian Sexual Assault Law: Neoliberal Sexual Subjects and Risky Women” (2008) 41 *Akron L Rev* 865 at 875–82.

38 Kristin Bumiller, *In an Abusive State: How Neoliberalism Appropriated the Feminist*

moments, redefining sexual assault as a problem that responsible individuals must attempt to foresee and prevent. In this way, sexual violence has been rendered virtual, severed from the power relations that constitute its meaning and dynamics.

POLICE WARNINGS AND GENDERED RISK MANAGEMENT

Even as risk management discourses individualize and decontextualize, their materialization relies upon and promotes gender-specific subjectivities and new versions of good and bad victims. As Rachel Hall has argued, in recent years, “the paternalistic myth of women’s vulnerability donned the neoliberal cloak of risk management.”³⁹ For women, safekeeping is a “technology of the soul,” with the appreciation of risk of male violence long constitutive of feminine identity. While not “new,” women’s fear of male violence and the accompanying demands of risk avoidance are cultivated in the present and constituted as performative of respectable femininity.⁴⁰ The police warnings in response to the Garneau and Aspen Gardens sexual assaults exemplify the manipulation of gender-specific fear through the degendered language of risk management.

In late May of 2008, after a third sexual attack in Garneau, when the existence of a serial rapist could no longer be ignored, the Edmonton Police Service finally issued a concise media release.⁴¹ As a sex crimes detective explained in a media interview: “Because of the similarities of the attacks, we felt it was necessary for the safety of the residents to be notified.”⁴² No explanation was offered for withholding information about the first two assaults. It is possible that an earlier warning “could have” prevented the pepper-spraying and rape of a young woman living just across the alley from the house where the first two women were assaulted. The May media release provided only the barest details of the three assaults (the ages of the women who were attacked, the general location of the attacks, the approximate time of the attacks), an extremely general description of the suspect (“a man of average

Movement Against Sexual Violence (Durham: Duke University Press, 2008) at 79–90.

39 *Supra* note 1 at 2.

40 *Ibid* at 10–11; Elizabeth Stanko, “Safety Talk: Conceptualizing Women’s Safekeeping as a Technology of Risk” (1997) 1 *Theoretical Criminology* 479 at 489.

41 Edmonton Police Service, News Release, “Police Looking for Suspect in Sexual Assaults” (27 May 2008).

42 “Police issue warning to women in Garneau” *CBCnews.ca* (27 May 2008), online: <<http://www.cbc.ca/canada/edmonton/story/2008/05/27/edm-garneau-attacks.html>>.

build, who was wearing dark clothing”), and an equally vague advisory: “Garneau-area residents” were warned to take “extra safety precautions,” “to be on the lookout and report any suspicious activity, and strangers wandering around in the early morning hours.”⁴³ This generic call to genderless “residents” to take “safety precautions” was elaborated by police detectives in media reports, in which “people” were advised to be “diligent in locking doors and windows.”⁴⁴

If the third sexual assault displaced the suspicion that was rumoured to have characterized police response to the first two survivors, the sexual assault of an elderly woman living in an affluent and solidly middle-class neighbourhood several blocks south of Garneau led to an escalation of police warnings. The national media attention following this fourth attack and the explicit admission, finally, by the Edmonton Police Service of a suspected “serial offender”⁴⁵ must be understood as being related not only to the proliferation of the attacks, but also to the age of the “victim.” The intensification of “warnings” after the Aspen Gardens attack was linked to the dominant construction of older women as asexual and, therefore, truly blameless, “innocent” victims. The fact that the women who were attacked by this rapist were young, middle aged, and old, and lived in different neighbourhoods, also momentarily exposed the tensions between the degendered frame of crime prevention/risk management and the gendered realities of sexual violence. As a sex crimes detective explained in a media report, “We have had a large range of victims. There is a male out there who wants to commit sexual assaults and right now, it doesn’t matter how old the woman is.”⁴⁶ The police warnings that followed the Aspen Gardens attack largely repeated the narrative of the earlier police advisory.⁴⁷ Yet these advisories now explicitly targeted “women” and, more specifically, “the

43 Edmonton Police Service, “Police looking for suspect in sexual assaults,” *supra* note 41.

44 *Ibid*; “Police Warn of Garneau Sex Assaults” *Edmonton Journal* (28 May 2008), online: <<http://www2.canada.com/edmontonjournal/news/cityplus/story.html?id=3549a8d6-63a9-4503-b8ad-ac6c3583d8cd>>.

45 Edmonton Police Service, News Release, “Police Meet with Aspen Gardens Residents: Meeting Ends with 450 Residents Cheering, Applauding” (15 August 2008).

46 Ben Gelinas, “Southside Sex Attack Makes Four: Police Link Similarities with Garneau Rape Suspect to Saturday Case 35 Blocks Away” *Edmonton Journal* (12 August 2008), online: <<http://www.canada.com/edmontonjournal/news/story.html?id=ca197418-c7e5-4c11-aa53-156588bdbf84>>.

47 Edmonton Police Service, “Police Meet with Aspen Gardens residents,” *supra* note 45; Edmonton Police Service, News Release. “Police Looking for Suspect in Sexual Assaults” (11 August 2008).

ones who live alone,” as the explicit objects of the warning; women living alone were warned “to be vigilant about locking their doors and windows and securing their homes.”⁴⁸

By the time of the fourth attack, critical attention had begun to be focused on the investigation itself.⁴⁹ Savvy reporters and commentators drew parallels between these Edmonton sexual assaults and the *Jane Doe* case. Jane Doe herself spoke on CBC Edmonton radio to explain the implications of her legal victory and what it should mean for the conduct of police investigations; and there was growing criticism of the refusal to release detailed information about the attacks.⁵⁰ For a few days in mid-August, the local media focused extensively on the existence of a serial rapist and police sex crimes detectives gave interviews and attended a public meeting organized by the local community league. But notably, only the vaguest description of the suspect was made public (“male with a stocky build, approximately 5'8" to 5'10" wearing dark clothing and a disguise on his face”),⁵¹ along with the suggestion that the perpetrator may have stalked his victims. The Edmonton Police Service repeatedly refused to release the kind of meaningful information that might actually have assisted women to make informed decisions about their safety (for example, whether the suspect had tampered with doors or windows, whether he had broken into the women's houses before the attacks, how he had disguised himself). Responding to criticisms about this lack of detail about the rapist's *modus operandi*, senior police officers cited the necessity of maintaining the “integrity of the investigation” and “not compromis[ing] the prosecution of the person responsible.”⁵² When pressed for concrete advice on just how to avoid being attacked by this rapist, the police provided a generic, if detailed, list of “basic tips” on how to properly secure doors and windows.⁵³ Police officers rationalized the repetition of

48 Edmonton Police Service, “Police Meet with Aspen Gardens Residents,” *supra* note 45.

49 Robin Collum, “Sex Assaults Lead to Criticism of Police” Canwest News Service (15 August 2008), online: <<http://www.canada.com/edmontonjournal/news/story.html?id=ca197418-c7e5-4c11-aa53-156588bdbf84>>.

50 “Edmonton police are being criticized for not doing enough to warn women about a series of sexual assaults” *CBCnews.ca*. (15 August 2008), online: <<http://www.cbc.ca/canada/edmonton/story/2008/08/14/edm-attacks-thurs.html>>.

51 Edmonton Police Service, “Police Meet with Aspen Gardens Residents,” *supra* note 45.

52 *Ibid.*

53 *Ibid.*

disciplinary warnings directed at women, insisting that “[i]t would be extremely tragic if we didn’t offer suggestions for personal safety and because we didn’t, there were additional victims.”⁵⁴

Perhaps in an effort to respond to critiques of the sexist victim-blaming of the earlier warnings, a final police advisory, issued six weeks after the Aspen Gardens rape, reverted to the gender-neutral language of crime prevention.⁵⁵ This media release offered reassurances that considerable resources were still being devoted to the investigation and urged the “public” to “continue with their increased awareness of personal safety and make sure their homes are secure.” The September warning, while articulated in forced gendered terms (public/they/their), continued to mobilize and cultivate women’s fear, even after anxieties had begun to dissipate. The advisory raised the possibility that there may have been more attacks that had not been reported to the police given the “well recognized fact that sexual assaults go largely unreported” and encouraged “other victims” to come forward.

What do these warnings tell us about the contemporary construction of sexual assault? What do they tell us about how sexual violence is managed within the context of neoliberal governance? The police warnings hail “woman” as a modern subject into a position of vulnerability. The self-managing subject produced through the warning is, in Hall’s words, a “(re)action hero” who exercises agency only through avoidance.⁵⁶ Through risk management technologies, the question of how to end rape gets deflected back onto individual women as tough targets. Warnings address the social body of women as a series of individualized bodies each responsible for protecting their own “stuff.” A gendered panopticon results, with women’s behaviour singled out as the principal governmental object. This focus on women’s responsibility for rape prevention means that men’s responsibility for sexual violence, including the culpability of the rapist himself, becomes obscured. Likewise, social responsibility for sexual violence evaporates, as the problem of rape is firmly constituted as a personal problem that each woman herself must solve by limiting her own mobility. In the dry heat

54 “Some Women Disagree Over Rape Warnings: Police Say They Aren’t Playing the Victim Game” *Edmonton Journal* (14 August 2008), online: <<http://www.canada.com/edmontonjournal/news/cityplus/story.html?id=585274bd-f4b2-4af8-b8ed-85c1bee8b34d>>.

55 Edmonton Police Service, News Release, “Police Asking Public to Stay Vigilant with Personal Safety: Detectives Looking for New Information about Linked Sexual Assaults” (25 September 2008).

56 *Supra* note 1 at 6.

of a Prairie summer, women are expected to stay “safe,” suffocating inside their locked and airless homes.

The rapist himself remains a shadowy figure: disguised, faceless, he becomes an abstract threat. Not only is the rapist rendered virtual, shrouded by police refusals to elaborate his description or *modus operandi*, but the text of the warnings repeatedly constitutes him as an external threat, an outsider. In the words of one of the lead investigators, “People in the community know who belongs and who doesn’t.”⁵⁷ Residents are told to be on the lookout for “any unusual circumstances,” “any strangers wandering around,” “suspicious activity,” a “strange male.” This repetition consolidates a false and misleading line between the rapist as stranger/outsider and the everyday, hiding the pervasive realities of sexual violence in everyday heterosexuality. Gesturing to class- and race-based ideologies that provide implicit support for dominant understandings of rape, we are encouraged the view the suspect as the archetypal stranger-rapist, a deviant man lurking in the bushes, *he who does not belong*.⁵⁸

Risk management discourses, as exemplified in these police warnings, also create new versions of good victims and unworthy, unrapable women. As Elizabeth Stanko astutely observes, it is not only women’s fear of rape that is mobilized to induce compliance with the warning: “Woman — as subject, multiply positioned and fluid — recognizes that what is at risk is more than just an encounter with men’s violence, it is also a risk of self, a fear of being judged imprudent....”⁵⁹ Performances of diligent, fearful femininity grant some women access to good citizenship.⁶⁰ Within a neoliberal regime of responsibility, populations are divided on the basis of their capacity for self-management; those women who can be represented as failing to adhere to the rules of sexual safekeeping are in turn blamed for the violence they experience. The murders and disappearances of Edmonton Aboriginal women and sex trade workers have been framed in dominant discourse as being an effect of risk-taking, the sad outcome of living a “high-risk lifestyle.”⁶¹ Filtered through norms of risk-management, the gender,

57 Edmonton Police Service, “Police Asking Public to Stay Vigilant with Personal Safety,” *supra* note 55.

58 Hall, *supra* note 1 at 13; Stanko, *supra* note 40 at 490.

59 Stanko, *ibid* at 489.

60 *Ibid* at 486.

61 Project KARE, an RCMP task force investigating more than eighty cases of missing and murdered women in Alberta, publishes a list of safety tips for women “at

race, and class power relations producing extreme vulnerabilities disappear and some women are relegated to a space of risk. The white and middle-class woman is the implicit target of police warnings; she gains access to protection and good citizenship by adhering to the disciplinary norms of rape prevention.

Rape prevention, neoliberal style, relies upon decontextualization and self-management and divides women on the basis of adherence to elaborate and constraining safety rules. The warnings in response to the Garneau rapist exemplify the core features of risk management technologies applied to rape. But these warnings stand as more than simply an example; they also demonstrate how the existence of a serial rapist provides a pedagogic moment, an occasion during which the normal silence around rape is briefly shattered, with repeated warnings serving as instruments of normalization.

THE GARNEAU SISTERHOOD

How do we challenge this gendered regime of risk management that privatizes and decontextualizes sexual violence? How do we do this when national feminist organizing is in decline, when gender and the gender-equality agenda have been erased from policy discourse, and when the potential for feminist-inspired policy and law reform seems slim? How do we, in other words, reconstitute a feminist practice of anti-rape resistance within the difficult context of neoliberal governance? The Garneau Sisterhood provides us with one possible strategy — that is, the revival of a grassroots feminism that engages in direct action and decentres the state.

Scholars charting the erosion of feminist organizing under conditions of neoliberalism have inadvertently constructed a depressing narrative of decline.⁶² It is critical to dissect the implications of neoliberal governance for feminist politics; at the same time, it is increasingly necessary for us to think beyond this story of despair in which feminist resistance seems impossible. It is most certainly true that what Victoria Bromley and Aalya Ahmad have labelled state-brokered feminism and state-centred forms of feminist activism, including lob-

risk.” The “most important tip is not to be involved in a high risk profession, lifestyle or activity such as prostitution or hitchhiking.” “These activities,” according to the RCMP, “make you very vulnerable to becoming a victim.” RCMP, Project KARE, nd, “Safety Tips,” online: <<http://www.kare.ca/content/view/14/24/>>.

62 See, for example, Brodie, *supra* note 4.

bying, law reform, and litigation, are in decline.⁶³ The Harper Conservative cuts to Status of Women Canada's funding programs have dealt a near deathblow to many established women's movement organizations.⁶⁴ Jane Doe's legal victory was situated within a context of state-brokered feminism and depended upon the legal and political support of established feminist organizations and frontline women's organizations. This legal victory arose when it was still possible to make links between sexual violence, police practices, and gender inequality. Even if the conditions that enabled second-wave anti-rape activism have been eroded, the current context does not mean that feminist resistance to rape culture is impossible; nor should it render us silent and in despair at the repetition of Jane Doe scenarios. Instead, new forms of anti-rape activism are needed that, in Victoria Bromley and Aalya Ahmad's words, are "clearly demarcated from the brokerage and paternalistic oversight of the state."⁶⁵

Young women, loosely identified by the label "third wave," are rising to the challenge of rethinking feminist activism, in part by reviving the grassroots, direct activism of early radical feminists. As R Claire Snyder observes, third wavers tend to take an anarchist approach to politics — calling for immediate direct action and organizing outside of formalized structures.⁶⁶ Embracing differential consciousness, third-wave feminists see activism as context-specific and flexible, with tactics shifting depending on the situation.⁶⁷ And while this "movement" may seem less visible and more *ad hoc* than second-wave feminism, these characteristics can be reconceived as strengths rather than weaknesses, allowing for flexibility and access to diverse forms of activism. This diversity of tactics approach has the effect of decentring legal strategies.⁶⁸ Although the third-wave displacement of law has been critiqued by some as a naïve expression of "pre-legalism,"⁶⁹ we might also see this

63 "Wa(i)ving Solidarity: Feminist Activists Confronting Backlash" (2006) 25 *Can Woman Stud* 61.

64 Brodie, *supra* note 4.

65 Bromley & Ahmad, *supra* note 63 at 67.

66 "What is Third-Wave Feminism? A New Directions Essay" (2008) 34 *Signs* 175 at 186.

67 Amanda D Lotz, "Communicating Third-Wave Feminism and New Social Movements" (2003) 26 *Women and Language* 2 at 6.

68 Lara Karaian & Allyson Mitchell, "Third Wave Feminisms" in Nancy Mandell, ed, *Feminist Issues: Race, Class and Sexuality* (Toronto: Pearson Education Canada, 2010) 63 at 67.

69 Bridget J Crawford, "Towards a Third Wave Feminist Legal Theory: Young Women, Pornography and the Praxis of Pleasure" (2008–09) 14 *Mich J Gender & L* 99 at 158–60.

extra-legal emphasis as strategic in a context in which spaces for feminist-inspired law reform and litigation have become constrained.

As Lara Karaian and Allyson Mitchell observe, “the third wave places a greater emphasis on activism that works outside of the state and gets into the heart of the communities...”⁷⁰ The Garneau Sisterhood campaign exemplifies this movement into the heart of communities, modelling a feminist practice of anti-rape resistance that decentres the state and literally inscribes women’s agency onto the familiar features of a neighbourhood streetscape. I noticed immediately when the posters began appearing all over Garneau in May 2008, signed by *the Sisterhood*. Their aesthetic, handwritten in black and white (and sometimes red), was decidedly DIY, in the style of a ’zine. Each day, I climbed on my bicycle and took a different route through the neighbourhood with my camera, desperate to map and to archive this constantly changing and defiant campaign of resistance to rape culture. New posters kept appearing all over the neighbourhood. Many were defaced and ripped down. There were even rumours that the posters were being taken down by the police. In one newspaper report, a police spokeswoman described the Sisterhood’s actions as “vigilanteism” (sic.), characterized the posters as “threatening” and explicitly warned members of the “public” against taking the law into their own hands.⁷¹

Given this overt hostility, it is easy to understand the Sisterhood’s decision to mobilize, to act, and to speak anonymously. The Sisterhood closely guarded the identity of its members, speaking without spokeswomen or leaders, and giving media interviews only on condition of anonymity. But anonymity serves functions extending beyond safety and privacy. Politically influenced by Jane Doe’s own embrace of anonymity as a tool for enabling survivor resistance, the Sisterhood used the cloak of anonymity to disseminate a highly radical and edgy anti-rape text that embodies what Alcoff and Grey have labelled “subversive speaking.”⁷² And because the identity of the sisters is permanently under question, they become anywoman and everywoman. The Garneau Sisterhood represents the promise of a feminist underground and its campaign can be seen as a tactical response to conditions of neoliberalism.

In a piece published in an Edmonton weekly, the Sisterhood de-

70 Karaian & Mitchell, *supra* note 68 at 67.

71 Gelinas, *supra* note 46.

72 *Supra* note 9 at 282.

scribes itself in the following way: “*Garneau Sisterhood is a group of feisty concerned citizens in the Garneau area and the larger Edmonton community who are organizing to catch the most recent serial rapist in the neighbourhood, challenge the culture of violence and reclaim safe spaces for women in their communities.*”⁷³ Reclaiming “safe space,” while challenging the disciplinary thrust of safety pedagogies disseminated through police warnings, was the central thrust of the poster campaign. As Hall counsels, feminists should practice mocking and subverting the message of risk management.⁷⁴ When read together as a coherent text, the Sisterhood’s posters speak back to, undermine, invert, and pervert the framing of sexual violence through risk management discourse. How is this accomplished?

The Sisterhood disrupts the gendered panopticon produced by police warnings, making the rapist (not the potential victim) the subject of scrutiny and the object of fear. By addressing the perpetrator directly, the posters have the effect of unmasking the shrouded rapist, “responsibilizing” him, rather than his potential victims, and situating him in a position of fear:



ATTENTION RAPEST". WE ARE WATCHING YOU. WE WIL (sic) FIND YOU.
 · ATTENTION RAPEST." WE ARE ORGANIZING TO FIND YOU AND WE WILL!!
 · RAPEST TURN YOURSELF IN NOW 423-4567⁷⁵

The rapist is transformed from a powerful force into a pest, an object of disgust.

If the Sisterhood turns the gaze on the rapist, thereby shifting it away from women, so too is men’s responsibility for ending sexual violence highlighted in this campaign. The Sisterhood undermines the exclusive focus on woman as individualized agent of sexual assault prevention by

73 Garneau Sisterhood, “Garneau Sisterhood Organizing in Response to Sexual Assaults” *Vue Weekly* (12 June–18 June 2008), online: <<http://www.vueweekly.com/article.php?id=8743>>.

74 *Supra* note 1 at 12.

75 Phone number of the Edmonton Police Service.

defiantly and cleverly shifting the site of rape prevention to men.⁷⁶ In an allusion to *The Story of Jane Doe*,⁷⁷ one poster on blue paper pasted to a red newspaper box, mocks the gendered thrust of the warnings, using irony as a tool for showing how ridiculous it is to tell women that they can stop rape by locking themselves up:



· WARNING!! MEN! THERE IS A RAPIST IN THE Neighbourhood. Please do not go out at night unless you are with a friend. (I'll do this if you will). *the ladies*

This emphasis on men's complicity in rape culture is complemented by repeated efforts to reinscribe social responsibility and to restate the core message that safety tips directed at women will not end sexual violence:

- It is not because of: — clothing — drinking — locked doors — “assertiveness” ... RAPE HAPPENS BECAUSE OF RAPISTS. *Love the Sisterhood.*
- TELLING ME TO LOCK MY DOOR WILL NOT MAKE ME SAFE. PREVENTING SEXUAL ASSAULT IS EVERYONE'S REPONSBILITY.
- There is something wrong with a society that teaches men to rape women. What are we doing to make men believe that violence against women is okay? What can we do to change that?

The Sisterhood's recontextualization of rape subverts victim-blaming and challenges the neoliberal message that victims are self-made and that sexual victimization is rooted in bad choices and irresponsibility. Instead, and in the admittedly brief form permitted by the DIY poster, the Sisterhood calls attention to the connections between rape and gender disadvantage and to the necessity of social change.

In an influential feminist re-theorization of sexual violence, Sharon

76 Rachel Hall, *supra* note 1, argues that shifting the site of social intervention against rape from women to men is a necessary component of a feminist practice of rape prevention that would reinforce a woman's right to freedom from fear and abuse rather than reinforcing her fear and powerlessness.

77 “MEN: Stay off the buses. One of you is raping women... Stay at home” : *The Story of Jane Doe*, *supra* note 5 at 325.

Marcus⁷⁸ contends that rape is discursively produced, a scripted event, that depends upon the construction of women as vulnerable. The text of the police warnings and the logic of risk management reproduce this position of feminine vulnerability, constructing women as rape spaces, as objects to be taken. In what could be seen as exemplifying Marcus's call to women to cease being grammatically correct feminine subjects (that is, objects, fearful potential victims hiding away in locked apartments), the Sisterhood declares its defiant refusal to comply with the disciplinary norms of rape prevention:



· DEAR RAPIST: I AM NOT CHANGING MY LIFE BECAUSE OF A PATHETIC FUCK LIKE YOU! *Love the Sisterhood*

The Sisterhood constructs a collectivity based upon this refusal. Blending almost seamlessly into the grey metal window frame of the local grocery, a small poster announces:

· Women of Garneau: You are the Sisterhood.

Intended perhaps as a clever response to the repeated question, “Just who is putting up all these posters?” this brief message is weighted. It situates all women within a space of collective resistance to rape culture and to the specific framing of sexual violence through risk management technologies. Reflecting the third-wave feminist insistence on women's agency, a longer message elaborates the contours of a sisterhood based not upon women's status as potential victims, but instead upon angry resistance:

· IF A WOMAN IS RAPED, OTHER WOMEN REACT. THERE IS NO SUCH THING AS AN ISOLATED ATTACK ON AN INDIVIDUAL WOMAN. ALL WOMEN ARE US! When a sister

78 “Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention” in Judith Butler & Joan Scott, eds, *Feminists Theorize the Political* (New York: Routledge, 1992) 385.

is raped it is a RAPE OF THE SISTERHOOD and cannot go unpunished! **THE SISTERHOOD is WATCHING!!!!**

This message — that there is no such thing as an isolated rape — disrupts the individualization of sexual violence at the heart of risk management discourse, firmly locating rape within gendered power relations.

In *Grassroots: A Field Guide to Feminism Activism*,⁷⁹ third-wave feminists Jennifer Baumgardner and Amy Richards offer several innovative examples of how young feminists are organizing against sexual violence. They describe a German woman's success in getting a bakery to distribute 330,000 bread bags with the logo "Rape is totally unacceptable."⁸⁰ This campaign has now been replicated in several communities across Europe and, as Baumgardner and Richards emphasize, has the potential to be adopted almost anywhere. Likewise, the appeal of the Sisterhood's strategy is that it is both accessible and replicable; it is highly adaptable to local context. It is also a strategy that does not depend upon the mediation of law or the receptiveness of the state. The Sisterhood's campaign invites repetition and imitation as it mocks the message of rape management discourses. Over the past year, Sisterhood-like posters have continued to be put up around Edmonton and in other cities. Reclaiming public space for women, this innovative DIY strategy writes and makes visible the power of feminism and repoliticizes rape.

CONCLUSION

I wrote this chapter exactly a year after these events, and the Edmonton summer, though cooler, reminded me of how I felt the summer before. I felt angry, but I also felt increasingly hopeful. The posters responded to a series of brutal attacks on women. In spite of the continued realities of male violence against women, we live in a time when neoliberal political rationalities frame politics as if gender no longer matters. Like so many feminists, I have been decidedly depressed about political possibilities. But because of this campaign, I began to feel optimistic again about the radical potential of feminist anti-rape activism.

Many of the Sisterhood's posters were still there the following summer, ripped, faded, yet visible. The humorous one, the one that made

79 *Grassroots: A Field Guide for Feminist Activism* (New York: Farrar, Straus and Giroux, 2005).

80 *Ibid* at 106–12.

me smile, was still readable: BE A SNITCH. SAVE A SNATCH. STOP GARNEAU RAPES. We have the illusion that when we manage to influence institutional texts (legal decisions and legislation, for example), that the changes we effect will be lasting. But such victories, to be lasting and meaningful, must be reasserted, reclaimed, and brought into the streets.

The Garneau Sisterhood mounted a subversive campaign against the disciplinary norms of rape prevention and it brought its defiant and often irreverent messages to the streets. As with any political action, there is always room for critique and revision. While the Sisterhood disrupted the image of the rapist as a stranger-outsider by insisting on all men's responsibility for ending rape, the implicit whiteness of the privileged and hyper-cautious feminine subject remained uninterrogated in this poster campaign. I wonder what it might have meant to make visible the extreme violence experienced by Aboriginal women by raising critical awareness in the midst of middle-class neighbourhoods like Garneau and Aspen Gardens. Good feminine citizens — cautious, worthy, and blameless — are defined in opposition to their risky sisters who, under the dictates of risk management, are blamed for the violence they experience. Yet taking up and making visible these race- and class-based ideologies that continue to ground dominant constructions of rape within a Sisterhood-like DIY campaign requires little more than a Sharpie, some paper, and some paste.⁸¹

Clearly, revitalizing feminist anti-rape politics involves much more than this, more than a few posters, more than raising consciousness neighbourhood by neighbourhood, more than localized guerilla feminist actions. But as we examine our arsenal of tactics and strategies, and even as we struggle to restore the power and influence of state-focused organizing, we might do well to keep these forms of defiant, direct action in the mix.

81 The original Garneau Sisterhood posters had an impressive longevity. I've been told that the best method for putting up posters with staying power is simple flour and water.

