

University of Alberta

Naming Systemic Violence in Winnipeg's Street Sex Trade

by

Maya Seshia



**A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of**

Master of Arts

Department of Political Science

**Edmonton, Alberta
Spring 2009**



Library and Archives
Canada

Published Heritage
Branch

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque et
Archives Canada

Direction du
Patrimoine de l'édition

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file *Votre référence*
ISBN: 978-0-494-54621-5
Our file *Notre référence*
ISBN: 978-0-494-54621-5

NOTICE:

The author has granted a non-exclusive license allowing Library and Archives Canada to reproduce, publish, archive, preserve, conserve, communicate to the public by telecommunication or on the Internet, loan, distribute and sell theses worldwide, for commercial or non-commercial purposes, in microform, paper, electronic and/or any other formats.

The author retains copyright ownership and moral rights in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

AVIS:

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque et Archives Canada de reproduire, publier, archiver, sauvegarder, conserver, transmettre au public par télécommunication ou par l'Internet, prêter, distribuer et vendre des thèses partout dans le monde, à des fins commerciales ou autres, sur support microforme, papier, électronique et/ou autres formats.

L'auteur conserve la propriété du droit d'auteur et des droits moraux qui protègent cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

In compliance with the Canadian Privacy Act some supporting forms may have been removed from this thesis.

While these forms may be included in the document page count, their removal does not represent any loss of content from the thesis.

Conformément à la loi canadienne sur la protection de la vie privée, quelques formulaires secondaires ont été enlevés de cette thèse.

Bien que ces formulaires aient inclus dans la pagination, il n'y aura aucun contenu manquant.

■+■
Canada

It has to start with the very fabric of society.

Krystle

University of Alberta

Faculty of Graduate Studies and Research

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled **Naming Systemic Violence in Winnipeg's Street Sex Trade** submitted by **Maya Seshia** in partial fulfillment of the requirements for the degree of **Master of Arts**.

Dr. Lois Harder

Dr. Isabel Altamirano

Dr. Lise Gotell

Supervisor writes the date that the thesis is approved by committee here

Abstract

This thesis examines violence in Winnipeg's street sex trade. The following questions guided my analysis: What factors might explain the pattern of violence occurring in Winnipeg's street sex trade? What strategies are being undertaken to address this abuse? What additional strategies could be taken? This study also intended to provide a space for individuals, who are rarely respectfully consulted about why this pattern of violence might be occurring, to voice their opinions and advocate solutions. To achieve these objective, twenty diverse women were consulted who, in addition to being artists, activists, inner city community members, and students, have at times worked in the street sex trade in Winnipeg. Utilizing Sherene Razack's (1998; 2002b) historicized contextual analytical framework, I argue that contemporary colonial violence coupled with the communicating law, an inherently gendered, raced, and classed provision, has contributed to violence against women and two-spirited identified women in Winnipeg's street sex trade.

Acknowledgements

I would like to express my gratitude to all those who have assisted me with Master of Arts degree.

Foremost, I would like to thank the women who shared their stories and wisdom. I have learned so much and I am deeply indebted to you. I will not forget.

I am grateful to the community organization that kindly welcomed and encouraged me when undertaking this project. I would especially like to thank Gloria Enns for her friendship, wisdom, and solidarity.

I would like to acknowledge and give thanks to Dr. Elizabeth Comack. This project would not have been possible without her guidance, patience, and support.

I am blessed to have Dr. Lois Harder as my supervisor, mentor, and friend. Throughout my Master of Arts degree, Dr. Harder's on-going support, insight, mentoring skills, and, most importantly, her friendship has been invaluable.

I would like to thank my thesis committee members, Dr. Isabel Altamirano and Dr. Lise Gotell, for their time, insight, and support.

I would also like to acknowledge Nisha for her strong friendship.

I thank my family and Manitou Wajiw Bijou for their unconditional love.

Finally, I would like to acknowledge the *Social Sciences and Humanities Research Council of Canada*. I am grateful for the Council's generous support.

Table of Contents

CHAPTER

INTRODUCTION.....	1
Winnipeg's Inner City—Setting the Context.....	6
Notes.....	10
1 CONTENTIOUS DEBATES and THEORETICAL FRAMEWORK.....	11
Introduction.....	11
Contentious Debates	
Screwing the System—Sex Work-As-Subversive.....	11
Sex Work-As-Sexual Violence.....	12
Just Trying to Make a Living—Sex Work-As-Labour.....	17
The Dimensions of Winnipeg's Street Sex Trade.....	19
Colonial Violence.....	21
Historicizing and Contextualizing the Analysis—Gender, race, class, colonization and the Law.....	25
Closing Remarks.....	31
Notes.....	32

2	METHODOLOGY	33
	Introduction	33
	Guiding Principles and Qualitative Research Methodologies	33
	Community Collaboration	35
	Qualitative Interviews	35
	Minimizing Harms	36
	The Participants	39
	Reflections and Revisions	39
	Quantitative Data Analysis	40
	Locating the Academic Research in the Research	42
	Closing Remarks	45
	Notes	46
3	Contemporary Colonial Violence in Winnipeg	47
	Introduction	47
	Historical Sexualized Gendered Racial Colonial Violence and the Making of a white Settler Nation	48

Contemporary Policing and Colonial Violence	
The Winnipeg Police Service.....	52
Contemporary Policing and Sexualized Gendered Racial Violence.....	53
Contemporary Policing and Physical Spatial Colonial Violence.....	56
Historical Colonial Policing in Canada.....	60
Contemporary Colonial Violence—Not the Case of a Few Aberrant Men.....	61
Recent Cases of Colonial Violence Across Western Canada.....	64
Concluding Remarks.....	67
Notes.....	69
4 NOURISHING SYSTEMIC VIOLENCE.....	70
Introduction.....	70
The Evolution of the Communicating Law: A Discriminatory History.....	72
Vag C—Section 164 (I)(c) of the Criminal Code.....	73
The Soliciting Law (Criminal Code section 195.1).....	75
The Communicating Law: Reproducing Discrimination.....	78
A Gendered, Classed, and Raced Provision.....	78

	The Communicating Law—Nourishing Violence.....	80
	Table 1.....	81
	Closing Remarks.....	91
	Notes.....	93
5	CURRENT ORGANIZING, RECOMMENDATIONS, and REFLECTIONS.....	94
	Introduction.....	94
	Current Organizing in Winnipeg	
	Resistance from the Bottom Up.....	94
	Community Grassroots Resistance.....	96
	Recommendations	
	The Legal Context and Current Politics.....	97
	Systemic Violence and Solutions.....	100
	Conclusions and Closing Remarks.....	102
	Reflections.....	104
	Bibliography.....	106

List of Tables

TABLE ONE.....	81
----------------	----

My thesis examines violence in Winnipeg's street sex trade. Research on violence against street sex workers in the United States and Canada exists, but in-depth literature specific to Winnipeg is virtually non-existent (Fraser and Lowman 1996; Lowman 1998 and 2000; Dalla 2002; Prenger 2003; Lewis et al. 2005; Jeffrey and MacDonald 2006, 89-93).¹ As well, with the exception of Sherene Razack's historicized spatial analysis of gendered racialized colonial violence, there are no academic studies that incorporate history, gender, race, class, space, and the law into the analysis (1998; 2002b).² Drawing on Razack's analytical framework, my aim is to analyse the Winnipeg street sex trade through a historicized and contextual lens that takes the specificities of time as well as place into account.

My thesis builds on, but stands apart from, previous Canadian academic studies and government reports, which focus primarily on the relationship between the communicating law (*Criminal Code* section 213) and violence (Brannigan, Knafla, and Levy 1989; Fraser and Lowman 1996; Lowman 1998 and 2000; Prenger 2003; Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006).³ The communicating provision was enacted in December of 1985. It "prohibits communicating in a public place for the purposes of buying or selling sex" (Lowman 1998, 1). While adult sex work is technically legal, communicating for the purposes of prostitution is not. The aim of this law, when passed, was to reduce the visibility of street sex work, and respond to perceived nuisances (such as increased traffic, litter, and its impact on businesses) associated with it (Prenger 2003, 5). Since enacted, the communicating law has been intensely scrutinized. Academic and government funded reports have repeatedly demonstrated that it has not achieved its objectives. More concerning, however, is the discriminatory nature of Section 213 of the *Criminal Code*. Scholars and policy analysts argue that this provision is gendered and classed. Specifically, the law predominantly

criminalizes low-income women (Prenger 2003, 3-4; Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 53). The violent atmosphere that Section 213 of the *Criminal Code* appears to have nourished is even more troubling. Studies indicate that this law has intensified antagonisms between street-involved women and the police, resulting in women working in poorly lit, unmonitored areas, thus predisposing them to becoming targets of violence (Fraser and Lowman 1996; Lowman 1998, 2000; Prenger 2003; and Jeffrey and MacDonald 2006). My thesis complicates this debate by arguing that violence against street sex trade workers does not arise solely from the communicating law; rather, systemic factors also play a critical role. Policy strategies *beyond* law reform must therefore be considered in the solutions.

Since the late 1980s there have been, at minimum, twenty recorded unsolved murders of women and transgenders who worked in Winnipeg's street sex trade (*CBC* September 6, 2007).⁴ In recent years, numerous women in the street sex trade have gone missing from the inner city. While different individuals are responsible for murders and assaults, there are consistent similarities among cases. The murdered, missing, and survivors are most often low-income and spatially situated in the West End and North End, two marginalized and stigmatized inner city areas in Winnipeg.⁵ In many instances, women's bodies are literally evicted from the city. They are dropped off or disposed of in isolated fields just before or beyond the city's limits. Indigenous women are disproportionately targets of assaults and murders (Lowman 1998; Kingsley, Krawczyk, and Mark 2000). Little information is known about the perpetrators but evidence from other Western Canadian provinces indicates that gendered racial colonial attitudes motivate some attacks and lead to inadequate police investigations, muted public response, as

well as lenient charges (Lowman 1998, Section 3, 4; Krawczyk, and Mark 2000, 24; Goulding 2001; Razack 2002b; Amnesty International 2004).

Commonalities among cases, coupled with the fact that different perpetrators are responsible for committing these crimes, suggests that this violence is systemic; it is neither, as the media and Winnipeg Police Service⁶ have argued, the product of “lifestyle” nor a result of a few aberrant men who “are constructed as monsters” (Jiwani and Young 2006, 897). Similar cases across Canada support this assertion (Lowman 1996; Goulding 2001; Razack 2002b; Amnesty International 2004). To adequately address this violence we first need to understand it and then name it (Jiwani 2006). My thesis undertakes this task.

This issue is important to understand because it is indicative of a systemic pattern of gendered and often racialized and classed violence occurring across Canada. Beyond the Winnipeg context, recent cases of missing and murdered women in Vancouver and Edmonton underscore the extent to which this is a serious and systemic social problem. The Standing Committee on Justice and Human Rights’ Subcommittee on Soliciting Laws points out that, “This violence is not new” (2006, 17).

In this thesis I examine the relationship among this pattern of violence, systemic gendered racial colonial attitudes operating in Winnipeg, and the communicating law. This project intends to provide a space for individuals, who are rarely respectfully consulted about why this pattern of violence might be occurring, to voice their opinions and advocate solutions. The research questions guiding this project were: What factors might explain this violence? What community-based solutions, structural changes, and policy strategies are being undertaken to address this abuse? What additional strategies could be taken? To answer these questions, twenty diverse women were consulted who, in addition to being artists, activists, inner city

community members, and students, have at times worked in the street sex trade in Winnipeg. In addition to conducting qualitative interviews, this project involved quantitative data collection. ‘Bad date’ and ‘street hassle’ reports published by a Winnipeg inner city health, outreach, and resource centre for women and individuals who identify as women who are working in the street sex trade from 2002 to 2007 were analysed. Ultimately, I argue that contemporary colonial violence coupled with the communicating law, an inherently gendered, raced, and classed provision, has contributed to violence against women and two-spirited identified women in Winnipeg’s street sex trade.

Cherry Kingsley, Marian Krawczyk, and Melanie Mark define the sex trade as “any transaction whereby” children, youth, and adults “exchange sex for food, shelter, drugs, approval, money or for any sense of safety and security” (2000, 3). They further note that the “sex trade is not just involvement in street prostitution or escort agencies, and it occurs in all venues in both rural and urban communities” (2000, 3). This definition encompasses a variety of activities, occupations, and forms of sexual exploitation, many of which are beyond the scope of this study. While I draw on literature from other Canadian provinces, particularly when discussing the communicating law, my thesis primarily focuses on the street sex trade in Winnipeg.

Examining the street-level of the sex industry is a logical choice. Though impossible to verify, recent reports suggest that street sex work accounts for 5 to 20 percent of all sex work in Canada (Kingsley, Krawczyk, and Mark 2000, 54; Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 19). While making up a small proportion of the sex industry, violence is most often experienced at the street-level of the sex trade (Lowman 2000; Quadara 2008). Furthermore, “the enforcement of prostitution laws generally

focuses on people involved in street prostitution” (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 19). Hence, the focus of this study.

Examining the Winnipeg context is also a logical choice. First, few studies specific to Winnipeg’s street sex trade exist. I hope this research will partially fill this gap in the scholarly literature. Second, undertaking this study enabled me to build on previous work I have done, and continue relationships that I have established, in Winnipeg (Seshia 2005). Finally, following three consecutive murders over the spring and summer of 2007 grassroots community activists began organizing around this issue. I hope this research might assist in this movement to address violence.

My research project involved consultations with individuals who identified as women. Thus, I spoke to females who identified as women as well as two-spirited/transgendered identified women. To exclude two-spirited/transgendered women from this project would be unfair and discriminatory. Male sex trade workers were not excluded from the project. However, I was unable to reach any men who worked in the sex trade. The community organization I was working with was a women’s only space and very few organizations offer services to men who work in the sex trade in Winnipeg. For these reasons no interviews with men were conducted. One participant, however, emphasized the need to acknowledge men’s experiences. Specifically, she stated that men in Winnipeg’s street sex trade lacked resources and also experienced violence.

Various terms are used to describe women who work in the sex industry. For the most part, this paper utilizes the word “sex trade worker”. I note, however, the limitations associated with this term. For one, as a result of dominant stigmas, the word “sex trade worker” has a tendency to overwhelm a person’s identity. Some individuals in the sex industry embrace the

term while others do not. For another, this word raises the question: Who is defined as a sex trade worker? This question is important but is beyond the scope of this analysis.

Winnipeg's Inner City—Setting the Context

Winnipeg is a city segregated on race and class lines. This separation is geographical. The city's suburbs are, for the most part, sprawling white, middle to upper class enclaves. In contrast, the inner city is an economically marginalized, and subsequently racialized and stigmatized space (Silver 2006). According to Elizabeth Comack and Jim Silver, the processes of colonization, globalization, suburbanization, and racism in the job market have resulted in "the concentration in Winnipeg's inner city of poverty and, to a considerable extent, racialized poverty" (2006, 8; see also Goldberg 1999).

In 2000, the family poverty rate for Winnipeg inner city residents was three times the rate of non-inner city residents (Brown et al. 2006, 36). The average household income for inner city residents was \$34,364. In contrast, the average household income for non-inner city residents was \$53,176 (Statistics Canada 2001 Census Data Inner City, 14). According to the 2001 Canada Census, 20 percent of inner city residents identified themselves as "visible minorities" compared to 13.4 percent of non-inner city residents, and 19.2 percent of inner city residents identified as Aboriginal compared to 8.6 percent of non-inner city residents.

Winnipeg's contemporary North and West End, two inner city areas, have been characterized as a "modern-day Wild West" (*The Vancouver Province* June 28, 2007, A9). Spatialized gendered racial stereotypes operate in these zones (Jiwani and Young 2006, 899). The police, media, and non-inner city residents presume all racialized males in the North and West End are gang members, arsonists, or car thieves. Women are often stereotyped as prostitutes. Inner city residents are over-policed. Their movement is closely monitored. Stories of

police harassment as well as brutality are frequent (Comack and Silver 2007). For example, commenting on police officers' treatment of women in the Lord Selkirk Development (a public housing complex situated in the North End locally referred to as the "D"), one female resident who took part in Jim Silver's study said: "They judge everyone, they judge every Native girl, they think that we're just coming back from the Northern [a hotel framed as a "rough" drinking establishment located on north Main Street near the D] or trying to pick up anybody" (2006, 19).

Individuals in the inner city are not only aggressively policed and negatively stereotyped but they are also under-protected. Women literally disappear from West End and North End streets. Beyond family, friends, inner city community organization workers, and activists, the public rarely takes note. In this sense, Winnipeg inner city residents, particularly Indigenous peoples, "oscillate between invisibility and hypervisibility: invisible as victims of violence [and as active agents resisting stereotypes and violence] and hypervisible as deviant bodies" (Jiwani and Young 2006, 899).

Inner city deaths and assaults go unnoticed but when violence touches an "outsider", swift action is undertaken. In his discussion about the "resegregation" of America's geographies, David Theo Goldberg writes: "The wealthy get protected not only as the poorer do not but at the expense, discomfort, and threat to the safety of the racially impoverished" (1999, 253).

Goldberg's comment can be applied to the Winnipeg context. In October, 2005, the son of a prominent surgeon died when he was caught in the crossfire of an alleged gang shoot out in the West End. Negative images of Winnipeg's inner city, and its residents, intensified. In response to the death, the Winnipeg Police Service, along with the city's business oriented Mayor, launched Operation Clean Sweep. The initiative cost over \$5 million dollars and involved the deployment of 45 police officers (Comack and Silver 2006, 16). Described as, "in your face policing", the

purpose of Operation Clean Sweep was to “take back our streets”, and cleanse the inner city of gangs, drugs, and prostitution (*Winnipeg Free Press* October 26, 2005).⁷ In a space where unrelenting police terrorism was already rampant, Operation Clean Sweep exacerbated the interrogation of Black and Indigenous inner city residents (Comack and Silver 2006, 17). Indeed, the racial overtones of this genocidal-like “discourse of disposal” are obvious (Lowman 1998, 18). One is left wondering who rightfully owns the streets, and who, specifically, the state is anxiously attempting to take inner city spaces back from? It is in this context that the following discussion is situated.

This thesis is divided into five chapters. I establish my analytical framework in Chapter One. I begin by reviewing three dominant North American theories about the nature of sex work. Specifically, I outline the key tenants of the sex work-as-subversion, “sex work”-as-sexual violence, and sex work-as-labour positions. I subsequently critique these theories. I then discuss the dimensions of Winnipeg’s street sex trade. I argue that these dimensions must be situated within the context of colonization and the making of a white settler nation. Here I review Indigenous and critical race theories about street sex work in Canada. Finally, I outline Sherene Razack’s analytical framework (1998; 2002b). Ultimately, I align myself with her theoretical analysis.

Chapter Two outlines the guiding principles and methodologies utilized in this work. I also scrutinize my own role as an academic undertaking this research and describe a number of methodological considerations associated with this work.

Chapter Three draws on participants’ opinions and examines whether contemporary colonial violence is unfolding in the context of Winnipeg’s street sex trade. I demonstrate that

there is evidence that colonial violence, specifically sexualized gendered racial violence, is unfolding in Winnipeg.

Chapter Four examines the relationship between the communicating law and violence against women in Winnipeg's street sex trade. I begin by discussing the evolution of the law. I demonstrate that laws preceding section 213 of the *Criminal Code* were gendered, raced, and classed. I then analyse whether the communicating law continues to discriminate, and whether it has contributed to violence against Winnipeg's street sex workers.

Chapter Five outlines strategies that are currently being undertaken in the Winnipeg context to address violence against women in Winnipeg's street sex trade. I then drawn on participants' opinions and recommendations and outline what additional steps could be undertaken to address this issue.

Notes:

¹ Kendra Nixon and Leslie M. Tutty's (2003) research looks specifically at abuse perpetrated against youth versus adults in Manitoba, Saskatchewan, and Alberta. Augustine Brannigan, Louis Knafla, and Christopher Levy's (1989) Department of Justice Canada report assesses street sex work and the impact of the prostitution laws primarily in Calgary. The report also discusses Regina, and Winnipeg but in less detail. In addition, some brief but helpful qualitative research in the Winnipeg context has been undertaken (see, for instance, Seshia 2005; Canadian National Coalition of Experiential Women 2006: 19-30).

² Razack does not separate "gendered racialized colonial violence" with a comma. A comma implies that these systems are separate from one another. Razack does not view these systems as separate. Rather they depend on each other and come into existence through each other. Therefore Razack does not talk about "intersecting" oppressions (which implies oppressions stand apart from one another but sometimes cross paths); instead, she articulates oppressions as "interlocking" (Razack, 2005, 343-344). In keeping with Razack's interlocking theoretical framework I do not separate "gendered racialized violence" with a comma in this thesis.

³ The aim of the communicating law, when passed, was to respond to various issues related to the street-based sex trade. The communicating law (*Criminal Code* s. 213) states:

Any person who is in a public place or in any place open to public view: stops or attempts to stop any motor vehicle, impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place, or stops or attempts to stop any person or in any manner communicates or attempts to communicate with any person, for the purposes of engaging in prostitution or of obtaining the sexual services of a prostitute is guilty of an offence punishable on summary conviction (Ndaawin 18).

⁴ In September, 2007, Winnipeg Police Services reported that there have been nineteen recorded unsolved murders of women and transgenders believed to be involved in Winnipeg's sex trade (CBC September 6, 2007). Following Joanne Hoepfner's murder in January, 2008, this number has climbed to twenty.

⁵ In total the inner city geographically comprises 6.4 percent of the city (Statistics Canada 2001 Census Data: Inner City).

⁶ The Winnipeg Police Service website states that, "investigations are often hampered by the *lifestyle* of prostitutes as their activities immediately prior to their death are hard to establish and previous customers are not likely or willing to step forward with information" (Winnipeg Police Services Unsolved Homicides Theresa Silva, 2006; emphasis added).

⁷ See Elizabeth Comack and Jim Silver's research report for a detailed analysis of Operation Clean Sweep (2006, 16-17).

Chapter One

Feminist Debates and Theoretical Framework

Introduction

The objective of this chapter is to establish my analytical framework. I begin by outlining the sex work-as-transgressive and “sex work”-as-sexual violence debates. I subsequently critique these arguments. Second, I discuss the more moderate theoretical position that articulates sex work-as-labour. I acknowledge that this position is useful but it does not fully fit the Winnipeg context. Third, I describe the gender, race, and, class dimensions of street sex work in Winnipeg. I then review recent Indigenous and critical race feminist theories about street sex work in Canada. Finally, I outline Sherene Razack’s analytical framework and discuss why her analysis fits the Winnipeg context. I conclude by noting the drawbacks associated with her theory and describe steps I have undertaken to address these shortcomings.

Contentious Debates: Screwing the system, sexual violence, or genuine labour?

Theories about sex work are polarized. Despite variations, three theories about the nature of sex work have dominated North American feminist and academic discourse: (1) sex work-as-subversive; (2) “sex work”-as-sexual violence; and (3) sex work-as-labour.

Screwing the system—Sex Work as Subversive

Conceptualizing sex work as non-exploitative and potentially subversive has become an increasingly popular position advocated by feminists and academics. Anne McClintock¹ (1992, 72), for instance, believes that sex workers “stand at the flash point of marriage and market, taking sex into the streets and money into the bedroom.” They therefore “screw the system, dangerously interfering in the male distribution of property, power, and profit” (McClintock 1992, 95). This position views female sex workers as free agents who consciously transgress dominant sexual and gender roles. Popular conceptions of heteronormative femininity, which

centre on domesticity, chastity, and sexual submission to and economic dependency on men, are subverted in a number of ways. First, female sex workers' entrance into the public realm confounds the gendered public/private divide. Second, female sex workers reject gendered morals premised on chastity and monogamy. Third, through the conscious use of their sexuality women who sell sex are allegedly able to control men and disrupt masculine power. Fourth, requiring payment for sexual services that men usually expect for free subverts economic dependency on men (McClintock 1992, 70-95). Fourth, Leslie Ann Jeffery and Gayle McDonald² note that sex workers resist "constraints of neo-liberalism and global capitalism—by refusing demeaning minimum-wage work" (2006, 13). Similarly, McClintock suggests that prostitution "is far better paid, has flexible working hours, and gives women considerable economic independence from men" (1992, 94). As such, she concludes that working class women and women of colour who participate in the industry "are able to educate themselves, find social mobility, and raise their children in the comfort and security usually given to only good white girls" (1992, 94). Finally, this position rejects all state impingement on sex workers' freedom and therefore advocates for total decriminalization of the sex trade.

Sex work-as-Sexual Violence

In contrast, radical feminists such as Catharine MacKinnon and Andrea Dworkin argue that the sex trade industry is exploitative and inherently violent (1993; 1997; see also Farley 2003). MacKinnon and Dworkin view sexuality as the primary cause of women's oppression. Sex work, according to them, is a manifestation of male domination over women. They refute the idea that the women have agency and choice, and believe women do not consciously participate in the industry. According to this position, men's supreme power renders it impossible for individuals in the sex trade to formulate an equal, fair, and informed sexual contract. As such, feminists who

take this position reject the term “sex work”. Melissa Farley declares that this label “implies that prostitution is an acceptable type of work (instead of brutal violence)” (2003, 25). The terms “sexually exploited”, “sexual violence”, or “prostituted women” are therefore used in radical feminist discourse. Critiquing the former position which asserts sex work is non-exploitative and potentially subversive, MacKinnon writes: “A tiny, noisy elite of women who defend pornography professionally contrast with survivor after survivor whom they talk past and disregard” (1997, 11).

Feminists who take the position that sex work is inherently oppressive to women premise their argument on a number of interrelated points. First, sex work is equated with violence against women. Andrea Dworkin, for instance, states that, “Prostitution in and of itself is an abuse of a woman’s body” (1993, 2). She likens sex work to gang rape. According to Dworkin, the only difference between the two is that the former involves monetary exchange. Second, all sex work is viewed as inherently harmful. For example, Yolande Geadah compares working in the sex trade to a “slow suicide” (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 30). The harm produced, however, is widespread; the sex trade negatively impacts society in general, and women and girls in particular, because it reinforces masculine entitlement over women and upholds the (male) perception that women are sexual objects and are thus inferior to men (Farley 2003, 263). Third, all men are viewed as oppressors. While the men who purchase sexual services or live off the avails of sex workers are abusers, men who are not directly associated with sex work are also implicated (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 8). Dworkin, for example, asserts that male domination creates conditions (such as poverty, homelessness, and rape-prone societies) that give rise to prostitution (1993, 7). Fourth, this

position views all sex workers as victims. They are “victims of life experiences marked by violence and abuse – especially sexual assault during childhood, incest or drug addiction – and victims of society in which women are both sexually and economically oppressed by men” (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 8). As such, sex workers are depicted as lacking agency and power. Finally, in regards to the law, the radical feminist position sometimes advocates for decriminalization of “sex workers” and continued or enhanced criminalization of sex consumers. Ultimately, however, this position promotes the abolition of prostitution. To destroy prostitution, male supremacy, the root cause of sex work, must be dismantled.

Lliane Loots acknowledges that both positions “have merit”; however, both “fall into theoretical traps” (2000, 427). Gender essentialism is one trap that permeates the two positions. Angela P. Harris defines gender essentialism as “the notion that there is a monolithic ‘women’s experience’ that can be described independent of other facets like race, class, and sexual orientation” (1990, 588). In racist, capitalist, and heterosexual colonial settler societies such as Canada, female storytellers whose voices are privileged, listened to, and taken seriously by social power brokers are white, middle class, heterosexual, and able bodied. Their stories reflect their privileged realities (Harris 1990, 589).

Feminists who argue that sex work is subversive incorrectly assume women are uniformly governed by dominant conceptions of femininity and monolithically controlled by patriarchy, capitalism, and the state. Class, race, and history are written out of the analysis (Razack 1998, 347). Razack points out that this position “originates in an understanding of how white middle-class women are regulated in patriarchy” (1998, 346). For example, taken for granted is the belief that all women have a private realm in which they operate and out of which

they can liberally transgress. But women who are homeless or whose intimate lives and physical bodies are heavily regulated and trespassed by the state and dominant society—as is the case with poor women, women of colour, and Indigenous women in Canada and the United States — do not have this privilege (Little and Morrison 1999, 110-136; Smith 2002, 121-218). They have to fight “for the right to have a private sphere” (Razack 1998, 346). Assumed also is the notion that all women have the privilege to subvert the constraints of capitalism and neo-liberalism by refusing poorly paid, part-time work. Individuals who are excluded from the job market because of racial, class, and gender discrimination (such as transphobia) do not have this option (Chrystos 1991, 53).

Such essentialism leads to an oversimplification of the power dynamics and realities of the sex trade. It rarely acknowledges the hierarchal structuring of the sex industry and fails to explain why some women, specifically poor women and racialized women, are overrepresented on the streets. Moreover, Razack states that feminists who articulate sex work as liberating and transgressive tend to either “render violence invisible” or “minimize it” (1998, 350). If violence is discussed it is usually attributed to stigmas that “reflect deeply felt anxieties about women trespassing the dangerous boundaries between private and public” (McClintock 1992, 73). Alternatively, violence is viewed as solely emanating from prostitution laws, which create dangerous working conditions and control and constructs women’s movement and behaviours (Shah 2004, 798; McClintock 1992; Razack 1998, 348).

Feminists who conceptualize “sex work” as violence also essentialize women’s experiences and oppressions. Masculinity, patriarchy, power, sex workers, and the sex trade industry are homogenized as well. Razack writes:

For the most part ... there is a universalizing tendency among feminists who view prostitution as violence. Race and class are analyzed as making an original situation

worse; prostitution is thus conceptualized as an *effect* of sexual power relations, which is exacerbated by racism. Such a theory is not so much relational as much as it remains monocausal. It does not enable us to see how some women, for example, middle-class women, are stakeholders in this game, which begins with racism and economic exploitation as much as it does with sexism. (1998, 353; emphasis in the original)

Furthermore, feminists who assert sex work is inherently exploitative depict individuals who sell sex as powerless victims who lack agency and control. This victim discourse has serious implications for women of colour, Indigenous women, and women residing in the “Third World,” as patronizing colonial stereotypes that construct these women as “disempowered, brutalized, and victimized” are reproduced (Kapur 2002, 12; see also Shah 2004, 804). Suffocating articulations of oppression result in colonial rescue strategies and further silencing (Kapur 2002, 12-13). Victim rhetoric can also lead to unintentional alliances with right wing politicians and organizations whose patriarchal agendas negatively impact women and other marginalized groups (Loots 2000, 428; Kapur 2002, 16-18). In the “Global South,” for instance, “rescue and rehabilitation missions for brothel based sex workers ... have resulted in sustaining state sponsored regulation of female migrants, informal sector workers and people living on the margins of gender and sexuality” (Shah 2004, 794). In the Canadian context, the right wing Conservative Party of Canada’s stance on sex work mirrors the position taken by feminists who view all sex work as violence. Specifically, the Conservative Party of Canada views all individuals in the sex trade as victims and believes the sex industry harms women, children, and society as a whole. Therefore, the Conservative Party calls for the sustained criminalization of prostitution (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 90-91).

Just trying to make a living—Sex Work as Labour

A more moderate theoretical position has gained prominence over the past twenty-years. Perhaps as a result of rising violence, which has been connected to the 1985 enactment of the communicating law, theorizing sex work as legitimate labour has become an increasingly popular position taken by sex workers rights' organizations, feminist and non-feminist academics and activists (Lowman 2000; Sanders 2005; Shaver 2005; Jeffrey and MacDonald 2006; Sex Professionals of Canada 2007; Canadian National Coalition of Experiential Women 2007). This position is premised on a number of points. For one, individuals in the sex trade are viewed as engaging in conscious albeit inevitably constrained choices within the capitalist system about how, when, and whether to work in the sex industry. Unlike sex-work-as-subversive theorists and activists, this position rejects the liberal contract ideology that eclipses substantive inequalities among parties. It recognizes that gender, race, class, and sexual power structures inevitably restrict all individuals' choices, regardless of what sector of work they are engaged in. According to this position, impingement on freedom does not eliminate agency or nullify the ability to make informed and conscious contracts with clients (Jeffrey and MacDonald 2006, 10). Sex work is therefore considered to be similar to other service employment jobs, particular those involving physical, sexual, and emotional labour, such as waitressing (Sanders 2005). According to Teela Sanders, sex workers adopt a number of strategies (for example, refusing to perform particular services, such as kissing) "to separate their working lives from their personal lives" (2005, 227). As such, individuals in the sex trade are able to consciously dissociate themselves from their clients. Like other sectors of work, the sex industry is not viewed as monolithic (Lowman 1998; Jeffrey and MacDonald 2006). Experiences can be degrading or, alternatively,

wholeheartedly fulfilling, and sex work can be oppressive or an ideal job (Jeffrey and MacDonald 2006).

Furthermore, sex-as-work theorists and activists believe undesirable conditions can be altered. Thus, this position fundamentally differs from the abolition stance taken by radical feminists. While not representative of all sex worker rights' organizations, the Canadian National Coalition of Experiential Women (CNCEW) and Sex Professionals of Canada advocate for the improvement of sex workers' health, safety, and working conditions (CNCEW 2006; Sex Professional of Canada 2007). Similarly, John Lowman (2000) asserts that, in order to develop safer conditions and ameliorate the marginalization and stigmatization experienced by prostitutes, we must begin to view adult street work as legitimate employment. Finally, because laws regulating the sex industry are viewed as enhancing danger and decreasing control over one's work, this position typically advocates for total decriminalization of the sex industry. Valerie Scott, a former spokesperson for the Canadian Organization for the Rights of Prostitutes (CORP) and the current executive director of Sex Professionals of Canada, states that, "it is our right to work the street" (qtd. in Bell 1987, 101). According to her, "The only way to go is to decriminalize prostitution."

This position certainly has merit. Unlike the "sex work"-as-sexual violence theory, individuals who take this position do not deny sex workers' agency and the ability to make choices. Nearly all participants who took part in this project acknowledged that working in the street sex trade was a choice among limited options. Nonetheless, they engaged in decision-making in all aspects of their lives, and they certainly did not lack agency. A further strength of the sex-as-labour position is the acknowledgement of differences within the sex trade. As Lowman (1998; 2005) notes, even the street sex trade is a heterogeneous entity. A final strength

of this position is its commitment to making working conditions safer and less exploitative. As such, the connection to violence and the communicating law is confronted, and practical solutions are advocated.

While this position is clearly useful, it also contains limitations. Foremost, its analysis is dehistoricized. In the Canadian context, individuals who believe sex work should be viewed as labour either omit colonization from their analysis or mention it in passing. For example, Lowman advocates decriminalization and the need to treat sex work as legitimate labour. However, in his closing remarks (2000, 23; 2005, 10) he briefly mentions, but does not expand on, the need to address colonization and its connection to the overrepresentation of Indigenous individuals in the street sex trade in Canada. As a result, racism, while acknowledged as being an inevitable component of the capitalistic system, is never fully elaborated on or interrogated.

Traversing these apparent theoretical divides requires sensitivity to the issues of choice and agency, to the power dynamics and realities of the sex trade, and to the issues of difference and diversity in the lived experiences of the women involved. In short, what is required is a contextual analysis. In the case of the street sex trade in Canada generally—and Winnipeg's sex trade in particular—this involves attending to the historical processes of colonialism in order to situate the overrepresentation of Indigenous women in the street sex trade, and the gendered racial sexual violence perpetrated against them.

The Dimensions of Winnipeg's Street Sex Trade

The gender, class, and race dimensions of street sex work in Canada, and specifically Winnipeg, cannot be ignored. Some 75 to 80 percent of all street sex workers in Canada are women (Kingsley, Krawczyk, and Mark 2000, 28). Not all individuals who work the streets experience poverty but many do. In 2000, Prostitution Alternative Counseling and Education (PACE)

reported that Indigenous women were significantly overrepresented in Vancouver's street sex trade (Amnesty International 2004, 22). In Winnipeg, it is estimated that 70 percent of individuals in the street sex trade are of Indigenous ancestry (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 12; see also Fontaine 2006, 118; Nixon and Tutty 2003, 29; and Kingsley and Mark 2000).

Prostitution involves more than one person, a fact that is often ignored by academics, police, and the general public. As a result, little information is known about individuals who purchase sex. The Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws reports that those who buy sex are "mostly men" (2006, 22). Chris Atchison and John Lowman (2006, 283), as well as Leslie Ann Jeffery and Gail MacDonald (2006, 128) state that wealthier men are more likely to purchase sex from indoor venues, such as escort and massage services. Because class is interconnected with race, caution should be exerted when making generalizations about street-level customers.

Nonetheless, there is a perception among grassroots Winnipeg community activists, particularly a number of Indigenous women leaders who are organized and active around this issue, that something deeply colonial is occurring within the context of the city's street sex trade. In a 1995 research paper³ presented to the Royal Commission on Aboriginal Peoples, L. Gilchrist reported on the racist gendered sexual violence unfolding in Winnipeg's Lord Selkirk Park, a neighbourhood within the city's North End. Gilchrist stated that sexually exploited youth in this area "are mostly Aboriginal children, some as young as eleven" and "[t]he majority of men who come to this area are white and middle class" (qtd. in Fontaine 2006, 118). One North End resident who took part in Elizabeth Comack and Jim Silver's study remarked: "it's outsiders that come in for those services . . . johns coming around . . . the more upper class people are coming

in, the ones with the money” (2006, 42). Winnipeg Police Sargent Kelly Dennison reported that the average “sex-trade consumer” in Winnipeg is middle-aged, employed, and does not live in the area where he purchases sex (*Winnipeg Free Press*, September 5, 2007). This information contradicts Atchison and Lowman, as well as Jeffrey and MacDonald’s observations. These dimensions cannot be divorced from colonization and the making of a white settler nation.

Colonial Violence

Canada has an extensive history of colonial violence. In recent years, Indigenous and critical race feminist scholars and activists have linked the overrepresentation of Indigenous women and girls exploited on Canadian streets to colonization, patriarchy, and capitalist exploitation of the earth (Razack 2002b; Fontaine 2006; Monture 2007; Kuokkanen 2008). According to the Report on the Royal Commission on Aboriginal Peoples (1996) and the Report of the Aboriginal Justice Inquiry of Manitoba (1999, Chapter 13 Aboriginal Women), prior to European contact, gender dynamics within Indigenous societies differed but within each nation, women, men, and two-spirited peoples⁴ had important, albeit often distinct, interconnected spiritual, political, and social roles. Winnipeg Indigenous activist Nahanni Fontaine asserts that colonization fundamentally altered this (2006, 116). Colonial deceit and domination, which was and continues to be intensely resisted by Indigenous peoples across the prairies and the world, has resulted in systematic violent assaults on Indigenous peoples’ territories, bodies, and overall way of life. Because of women’s fundamental roles within societies “colonizers realized that in order to subjugate Indigenous nations they would have to subjugate women within these nations” (Smith 2005, 23). The imposition of patriarchy functioned as a tool of colonial domination (Smith 2005). Christian residential schools, the racist, sexist, Indian Act, as well as Eurocentric political, legal, economic, marriage, and family structures, among other things, attempted to transfer

patriarchy, homophobia, and capitalist ideology into Indigenous ways of life (The Royal Commission on Aboriginal Peoples 1996).

Colonialism has impacted Indigenous peoples in Canada *as well as* settlers in different ways. Patricia Monture notes that dispossession from land and resources have resulted in the social, economic, and spatial marginalization of some Indigenous women (2007, 210-211). Confinement to reserves, loss of women's tribal status (a result of the racist and sexist Indian Act), the residential school system and its after effects have also played a role. Homophobia and rigid gender categories have altered two-spirited peoples positions within nations.

The state's attempt to assimilate, dominant, and marginalize Indigenous peoples continues to prevail but, as Taiaike Alfred reports, contemporary colonial tactics "have become more subtle and devious" (1999, 128). For example, the child welfare system in Winnipeg has "essentially amounted to the same thing as the residential school system" (Comack 2008, 58). In Manitoba, Indigenous children continue to be seized from their parents, particularly single mothers, and placed into state care. In Little Grand Rapids, an isolated reserve in Northern Manitoba, 206 out of 525 children under the age of 18 are in state care (Guy 2008, 30). Jim Silver et al. draw parallels between the residential school system and the "still very Eurocentric, even colonial, educational system" which exists in Winnipeg today (2002, 5). Like residential schools, Indigenous high school students in Winnipeg's inner city are instructed by non-Indigenous teachers who tend to promote Eurocentric values and history. These factors, combined with the lack of housing and employment on and off reserves, as well as the unrelenting racism endured in all aspects of Canadian colonial society have contributed to some Indigenous peoples, particularly women and two-spirited individuals, political, economic, social, and spatial marginalization (Razack 2002b; Kingsley, Krawczyk and Mark 2000; Razack 2002b;

Fontaine 2006; Comack 2006, 69-70). Globalization and neo-liberal policies have exacerbated these circumstances (Kuokkanen 2008). These factors have caused Rauna Kuokkanen to assert that, “many [Indigenous] women are being forced into dangerous or vulnerable situations such as extreme poverty, homelessness and prostitution” (2008, 220). Similarly, Amnesty International notes that the sex trade is “one means that some Indigenous women have resorted to in the struggle to provide for themselves and their families in Canadian cities” (2004, 21).

David Theo Goldberg reminds us that, “Power is never ceded or shifted without resistance” (2002, 83). Paradoxically, in the face of marginalization, Indigenous women have emerged as prominent leaders within Winnipeg’s inner city (Silver 2007). As such, Kuokkanen’s articulation of Indigenous women’s experiences should be read with caution. For one, her discourse unintentionally reproduces colonial stereotypes that depict Indigenous women as compliant oppressed victims of domination. As discussed, this construction can result in colonial rescue strategies. Since the arrival of Europeans, colonization has not been passively accepted. For instance, children interned in residential schools developed their own sign language, escaped or attempted to escape to freedom, and defied their oppressors in ingenious ways (Silver et al. 2002, 33-34). Silver (2007) documents grassroots political resistance strategies led by Indigenous women residing in a Winnipeg North End housing complex. This unique “politics of resistance” is anti-colonial and anti-individual in nature. It is also unrecognized by dominant society (Silver 2007, 4). As I will later discuss, all participants who took part in this project discussed formidable, yet often unacknowledged, acts of resistance.

Furthermore, Kuokkanen’s use of the term “many” discursively implies that the *majority* of Indigenous women are impoverished, homeless, and in prostitution. Yasmin Jiwani and Mary-Lynn Young (2006) argue that British Columbian media, as well as activist discourse, conflates

missing women, sex trade workers, and Aboriginality. As a result, dominant perceptions that all missing women are Aboriginal and in the street sex trade and all women in the street-level sex trade are Aboriginal, have been constructed. This articulation, Jiwani and Young point out, is not only inaccurate but it perpetuates colonial stereotypes that equate Indigenous females with prostitution. This has serious implications. For instance, women and girls in general, and Indigenous females in particular, who are residing in Winnipeg's inner city consistently report being harassed by men and the police who presume they are prostitutes (Comack and Silver 2006, 42; Silver 2006, 19). Such stereotypes are not only degrading but they restrict freedom and construct gender: to avoid harassment, women and girls in Winnipeg's inner city have had to alter their behaviour (such as what time they go out) and movement (Comack and Silver 2006, 42). Furthermore, as the Report of the Aboriginal Justice Inquiry notes, "these images have helped facilitate physical and sexual abuse of Aboriginal women in contemporary society" (1999, Chapter 13 Aboriginal Women). Helen Betty Osborne's murder, which was clearly motivated by sexualized gendered racial colonial stereotypes, illustrates this (Report of the Aboriginal Justice Inquiry Manitoba 1999, The Death of Helen Betty Osborne). Historical and contemporary colonial disrespect towards Indigenous territories, resources, and bodies has no doubt resulted in marginalization. Colonization is clearly linked to the *overrepresentation* of Indigenous women in the sex trade; however, it has not caused the majority to turn to prostitution.

The preceding analysis raises a number of questions. How do we theorize about prostitution and its gender, racial, class, and spatial dimensions? How do we understand and subsequently formulate an effective position on the communicating law? How do we make sense of the violence? If white settler theft of land, internment on reserves, and imposition of colonial

structures and norms is responsible for the overrepresentation of Indigenous women in prostitution, then is the street sex trade, in its current form in Winnipeg, itself a tool of colonization? Does the street sex trade, in its current racialized form, constitute sexualized, gendered, racial violence—a form of aggression that Andrea Smith (2005) persuasively tells us is integral to historical and contemporary colonial domination? Furthermore, how do we avoid reproducing stereotypes when undertaking such an analysis? Finally, how do we account for the resistance and agency undertaken by women in the street sex trade as well as grassroots community activists organizing around this issue?

Historicizing and Contextualizing the Analysis – Gender, race, class, colonization and the law

Sherene Razack offers a cogent analytical framework to account for interconnections between gender, class, race, colonialism, and violence (1998; 2002b). On the surface, her position on sex work appears to support Dworkin and MacKinnon's view; however, in contrast to the radical feminist position, Razack does not essentialize women, men, patriarchy, power, sex workers, or the sex trade industry. She does not believe that violence solely emanates from male supremacy (1998, 353); rather, capitalism, white supremacy, *as well as* patriarchy interact and depend on each other (Razack 2002, 6; Kuokkanen 2008, 221-223;) to produce conditions of violence for some while simultaneously allowing "others to live lives of lesser violence" (1998, 360). Her analysis uses an interlocking approach that unmaps the complex relationships between race, sexuality, gender, class, space, and historical experiences, such as colonialism and sexual violence perpetuated by colonial officials against Indigenous peoples. Unmapping, Razack describes, "is intended to undermine the idea of white settler innocence (the notion that European settlers merely settled and developed land) and to uncover the ideologies and practices of conquest and domination" (2002a, 5).

Theoretically, Razack partially agrees with feminists who believe prostitution is violence (1998; 2002b). However, she sets herself apart from the radical feminist position in crucial ways. Foremost, she believes prostitution, in its current racialized form in urban Canadian inner city settings, is not simply about gender relations. Rather, it is also about colonial relations and who, symbolically, in Canadian society has significant power (economic, gender, racial, and sexual power) to exert ownership over the land, resources, as well as inhabitants within a nation. In other words, who has the unquestioned freedom to “go anywhere and do anything?” (Razack 2002b, 136).

Razack unmaps the historical and contemporary colonial processes that have resulted in racialized women’s overrepresentation in the street sex trade in Canada. Colonization is often theorized as a uni-dimensional project that primarily impacts Indigenous peoples. Razack’s analytical framework disrupts this. According to her, “material (theft from land) and symbolic (who is entitled to it) processes” have not only caused a particularly racialized form of prostitution, but these processes explain why men travel into racialized spaces to purchase services and sometimes (or always, depending on one’s theoretical position) exert violence on bodies within these places (2002b, 136).

How does Razack account for white women in street prostitution and racialized and low-income men who purchase sex? In respect to the former, she suggests place becomes race. Therefore, a white woman in an urban space of prostitution is racialized as “less white” and loses the respectability granted to her by dominant society. Razack rationalizes that low-income and/or racialized men who purchase sex are simply conforming to the dominant constructions of hegemonic masculinity—a masculinity, she asserts, which is composed not only of patriarchy but also of white supremacy, and capitalism (2005, 345-346).

For a number of reasons, Razack's analytical framework is a logical theoretical tool for understanding the dynamics occurring in Winnipeg, a city in which racism, colonialism, and race and class segregation is particularly acute. For one, her historicized analysis enables me to link present injustices to past violations. Hence, the systemic nature of abuse, which dominant discourses erase, is revealed and, importantly, named (Jiwani 2006). As well, her framework contextualizes power relations between various members of society. As a result, Razack's approach successfully avoids reducing "the lives of people who experience multiple forms of oppression to addition problems," thereby forcibly fragmenting their lived realities (Harris 1990, 589). Third, her position compels me to consider, in-depth, the complex dynamic between violence and power relations, as well as the construction of identities. Razack demonstrates that by venturing into spaces of prostitution and purchasing sexual services from marginalized women, spaces of privilege and poverty are created, patrolled, and enhanced, and gendered racial elite identities are constructed and reinforced (1998, 338-376). Finally, her analytical framework requires me to conduct a holistic examination of systemic discrimination embedded in mindsets and institutions as well as the law.

Razack advises scholars to proceed cautiously when discussing violence, sex work, and provisions regulating the trade. She points out that the communicating law is not solely responsible for abuse; rather, systemic attitudes have also contributed (Razack 1998, 375; Razack 2002b). Razack believes attributing violence primarily to the law shadows the role that systems of domination play in constructing and maintaining hierarchical relations that produce conditions of prostitution and give rise to gendered racial classed identities (Razack 1998, 375). Despite her claim, Razack does not dismiss the role of law altogether. In fact, she insinuates that the law itself is a product of patriarchy, capitalism, white supremacy and heterosexual dominance. It also

maintains and reproduces the dominant social order. Razack contends that provisions, particularly those regulating space (for example, zoning laws), play a fundamental role in “policing subordinate races, classes, and genders” thereby keeping individuals in their place (1998, 368). Thus, rather than simply arguing that violence originates from one source, adopting her framework requires me to conduct a historicized holistic analysis that includes a critical examination of the relationship among interlocking systems of oppression, space, the construction of identities, dominant attitudes and norms, the law, and violence.

While useful, Razack’s framework contains noteworthy limitations. For one, she ignores or downplays resistance against domination. As a result, Razack effectively denies that women in street sex work have agency and engage in acts of resistance (1998, 375). Second, her construction of inner city spaces as “degenerate” places erases the pride Winnipeg inner city residents have in their neighbourhoods as well as the vibrant grassroots organizing being undertaken by residents and community organizations (Comack and Silver 2006; Silver et al. 2006; Silver 2007). Third, her overwhelming focus on oppressive power exerted *over* “subordinate” races, genders, and classes leads her to discursively and symbolically construct Indigenous peoples as “conquered” (Razack 2002b, 136). Colonization was and still is violent. However, it has not been passively accepted and has not resulted in total subjugation.

Fourth, as will be elaborated on in Chapter Five, Razack has ambivalent feelings about the communicating law. She acknowledges that the law unfairly criminalizes economically marginalized and often racialized women (1998, 373-375). Nonetheless, Razack is hesitant about decriminalization. She questions the impact decriminalization might have on racialized individuals in prostitution. Razack surmises that, like mainstream employment, racial exclusion will occur (1998, 373-374). This, in turn, will result in the further marginalization and criminalization of

individuals who are unfairly penalized by the justice system and who turn to prostitution because, ultimately, they have few other alternatives. In addition, because Razack believes violence is systemic, she does not think repealing the law will stop the violence that is directed into spaces of prostitution. What Razack fails to acknowledge is how oppressions are infused into and subsequently reproduced by the communicating law. Furthermore, her ambivalent position constrains her from seeing how the law acts as an accomplice to unpunished violence perpetrated against street sex trade workers, particularly racialized and economically marginalized women in the trade. I fundamentally agree with Razack that systems of domination need to be dismantled. However, I set myself apart from her in regard to her ambivalence about the law. In this sense, I align myself with the sex-work-as-labour position. After hearing participants' testimony, I believe the law is not working for them and therefore needs immediate revision.

Finally, Razack's articulation of how white bodies lose their whiteness in zones of prostitution is overemphasized. It is true, as she argues that a female, regardless of race, who enters spaces where street prostitution exists is sexualized and presumed, by some, to be a sex trade worker (1998, 356). As a result, in that place she becomes less "respectable" than when outside that space. However, I firmly and respectfully believe white women in street sex work are often constructed differently than racialized women who are in similar circumstances. I say "often" because I believe class, or how one *performs* class, (for example, in the way one dresses) plays a role and may alter this image. It is therefore difficult to provide a universal construction of how bodies (regardless of race) are viewed in spaces of prostitution. I agree with Razack in the sense that white women in prostitution lose dominant society's respect but, again depending on class or performance of class, their position on the streets is sometimes questioned. For example, in

Winnipeg, white women in prostitution are often presumed to be undercover police officers, are constructed as rarities, and are perceived as not truly or permanently belonging to that space.

Furthermore, in Winnipeg, the death of a white woman in prostitution is sometimes mourned more profusely than some Indigenous women in similar circumstances. This was clearly illustrated in media reporting of the equally tragic murders of Aynsley Aurora Kinch, who was white, and Joanne Hoeppner, who was of Indigenous ancestry. Aynsley Aurora Kinch's feminine roles as a mother, daughter, and sister were repeatedly highlighted. She was described as a 36-year old blond "twinkly-eyed mother of three" (*Winnipeg Free Press* July 18, 2007) who "loved her kids more than life" (*Winnipeg Free Press* July 21, 2007). In contrast, Joanne Hoeppner was portrayed as "a mother of four who was a sex trade worker and former cocaine addict" (*Winnipeg Free Press* January 4, 2008). Joanne Hoeppner's criminal record and the number of children she had given birth to and subsequently lost custody of was also emphasized in media reports. In short, she was constructed as a sex worker, drug addict, poor mother, and negative reproducer of the nation. This provoked one letter to the editor to offer the disturbing judgment that: "Her end, while tragic, was completely predictable" (*Winnipeg Free Press* January 5, 2008).

Despite these noteworthy shortcomings I believe Razack offers a theoretically useful lens for understanding the dynamics of the street sex trade in Winnipeg. I have taken steps to address limitations associated with her analytical framework. Resistance figured strongly in participants' stories. Thus, I have incorporated this theme into my analysis. I have also attempted to be sensitive to how I depict Winnipeg's inner city, women who are working in the sex trade, and Indigenous peoples.

Closing Remarks

Clearly debates about the nature of sex work are contentious. While all of the theories I have reviewed have merit they also contain limitations. Because of the dynamics within Winnipeg's street sex trade I have utilized Razack's analytical framework. Her unmapping technique is useful and revealing. Foremost, it enables us to uncover and name systemic oppressions within the fabric of society as well as the law. I am cognizant of the numerous issues associated with theorizing about sex work, particularly racialized sex work. Harmful and inaccurate stereotypes can easily be reproduced. The guiding research principles and methodologies used in this project have assisted me in working through some of the difficulties associated with writing and theorizing about this topic. Constant critical self-reflection has also helped me think through the many challenges I have confronted.

Notes:

¹ In her 1992 article, Anne McClintock's arguments combine the sex work as subversive and sex work as labour positions.

² Leslie Anne Jeffrey and Gayle MacDonald (2006) align themselves with both the sex-work-as-labour and sex-work-as-subversive positions.

³ For the full paper see: Gilchrist, L. Urban Survivors, Aboriginal Street Youth: Vancouver, Winnipeg, and Montreal. Research Report presented to the Royal Commission on Aboriginal Peoples (January).

⁴ For a discussion about two-spirited peoples' roles in various Indigenous nations see: Lang, Sabine. 1998. *Men as Women, Women as Men: Changing Gender in Native American Cultures*. Austin, Texas: University of Texas Press.

Chapter Two Methodology

Introduction

This chapter details the project's qualitative and quantitative methodologies and discusses methodological considerations. In addition, I situate myself in the research, critically examine my role and motivations for undertaking this work, and address crucial methodological considerations.

Guiding Principles and Qualitative Research Methodologies

Maddy Coy notes that individuals who work the streets are often the subjects of research but have reaped few benefits from studies about their lives (2006, 428). In a similar vein, Winnipeg inner-city activists have remarked that research studies focusing on Winnipeg's inner city in general, and Indigenous peoples in particular, "should be undertaken in a way that [was] participatory and respectful" and "should contribute in some way to the community" (Silver et al. 2006, 7). Following this advice, and in order to ameliorate power imbalances between the researcher and study participants, my project is guided by the philosophies of the relationship-based model of research (Kovach 2005, 30). This model of research is premised on respect, reciprocity, long-term relationships, and "sincere, authentic investment in the community" (Kovach 2005, 30). It also enables participants to shape and reshape the research focus and direction. The asset-based community development approach and feminist participatory action methodology seemed compatible with these ethics.

This study is guided by the idea that experiential women—women who have been, or are in the street sex trade—are the most knowledgeable and are best able to articulate their experiences and provide successful solutions. This is consistent with the community development (CD) approach. Peter Gorzen, Joan Hay, and Jim Silver describe CD as, "the process by which people

in a neighbourhood participate collectively in working to solve problems that they themselves identify” (2004, 3). According to Cherry Kingsley, Marian Krawczyk, and Melanie Mark, the “Community Development approach recognizes the effectiveness of tailoring solutions to the specific needs of the community by involving people on a local level. Diverse members of the community come together to begin to identify local strategies and develop local action plans. Community Development is based on the principles of capacity building, meaningful exchange and participation” (2000, 2).

From the outset, reciprocity, respect, and establishing on-going communication with the communities I was working with has been critical to this project. Feminist participatory action models fit with these goals. It therefore seemed fitting to utilize this approach. Participatory action research “synthesizes the knowledge of communities and academics” (Coy 2006, 422). This methodology aims to produce holistic and practical knowledge by situating communities involved in studies as experts (Coy 2006, 422). Jan Barnsley and Diana Ellis observe that participatory models of research are “an on-going process for change” and are not viewed as “an end in itself” (1992, 9). This methodology, combined with the ethics associated with the relationship-model of research, requires the principal investigator to become involved in communities. Involvement, in turn, compels her to actively listen to and learn from individuals participating in the process. Developing genuine connections encourages the researcher to give back to those involved in meaningful ways. In addition, this framework is conducive to self-reflection and reflexivity. As a result, the social investigator is compelled to scrutinize her own privileged role and power as well as the impact her presence and work has on communities; reciprocity and critical self-reflection “helps lessen the likelihood of exploitative forms of research that mostly benefit the careers of academic researchers” (Frisby et al. 2005, 368).

Community Collaboration

In keeping with the project's guiding principles the research process involved close collaboration with a Winnipeg inner city health, outreach, and resource centre for women and individuals who identify as women who are working in the street sex trade. It builds on previous relationships I have formed and work I have done with the organization, as well as with individuals who access its services (Seshia 2005).

In November of 2007 a summary of the project was provided to the organization's Program Director. She subsequently offered suggestions and expressed her support for the project. From January, 2008 through to May, 2008, regular updates and discussions about the research process took place at biweekly staff meetings. Research questions were circulated to individuals affiliated with the organization and questions were adjusted accordingly. From January through April, much of my time was spent at the organization. I worked in an office space provided to me by the organization, volunteered with administrative tasks associated with a Winnipeg grassroots coalition active around this issue, and occasionally worked as a casual outreach person in the drop-in.

Qualitative Interviews

Also in keeping with CD and the feminist participatory action methodology, women who have, at various points in their lives, supported themselves by working in the street sex trade were consulted. To reach potential participants, two posters outlining the study's purpose were posted at the organization. In addition, information about the project spread by word of mouth. As a result, a number of individuals who, for a variety of reasons, rarely utilized the organization's services took part in the study. In total, twenty qualitative interviews were conducted between February and April of 2008.¹

Consistent with participatory action research models, the interviews were loosely structured and questions were open-ended (Barnsley and Ellis 1992, 14). A questionnaire guide was used but it did not dictate our discussions. There were also no time constraints placed on the interview process. All participants said they felt comfortable being recorded but requests regarding the omission of certain material were always respected and adhered to. As part of the process, all participants were asked to reflect on the research dynamics and discussions, and provide their thoughts and critiques. As a result, a number of suggestions were made. Wording of some questions was adjusted and additional advice provided by participants was integrated in the research process. During the writing stage of the project, casual conversations about the paper's development took place. I also sought guidance from some participants about a variety of challenges I confronted.

Minimizing Harms

Respecting the emotional, psychological, and cultural dignity of participants, undertaking research that was just and fair, and minimizing possible harms and maximizing benefits were crucial to this project. The most important criterion for taking part in this study was participants' willingness to be involved. In this respect, a number of steps were taken to ensure interested individuals were aware of the study's purpose and what would be done with the information they shared. For one, prior to the start of each interview, the study's objective and potential uses of interview findings were verbally outlined. All interested participants were informed that the research findings would be integrated into my Master of Arts thesis paper and would be orally defended. In addition, they were told that this project was also being done in partnership with the Canadian Centre for Policy Alternatives (CCPA) – Manitoba. The CCPA project, *Transforming Inner-City and Aboriginal Communities*, is composed of five streams, one of which focuses on

justice, safety, and security in relation to Winnipeg's inner city. Potential participants were informed that my thesis is one of several projects being integrated into this stream and research findings might be incorporated into a report published by the CCPA. In addition, potential participants were informed that results and recommendations arising from the research might be presented to individuals who worked or volunteered at community organizations, policy makers, and at conferences.

Prior to the commencement of interviews time was allotted for interested participants to independently evaluate the project, discuss concerns and ask questions. Potential participants were clearly informed of their rights, including the right to withdraw their consent during and after the interview process, and the right to pass on interview questions without penalty. Before the start of interviews, all interested participants were required to read a consent form. The consent form outlined the project's purpose, participants' rights, and what would be done with the material. In addition, before formally agreeing to take part, potential participants and I verbally discussed the project in detail and reviewed the consent form.

The CCPA provided funding for honoraria. Thus, in appreciation of their participation, and to compensate for lost income resulting from the time taken to participate, an honorarium was provided. Coy discusses ethical dilemmas associated with providing research honoraria. For instance, "Payment can signify commodification of participants' knowledge and allow the researcher to exercise ownership of the knowledge" (Coy 2006, 423). Prostitution Alternatives Counseling and Education, a Vancouver-based organization which undertakes programs and research led by survival sex workers, acknowledges the issues associated with compensation but the organization makes a telling observation: "When payment is offered to populations that are impoverished, the idea of free and informed consent appears to be compromised. Money or

compensation will affect one's decision to participate. Does this then mean that only the rich can participate in research?" (Bowen 2006, 14). Recognizing this dilemma, it was made clear to participants that receiving an honorarium did not tie them to the project. Specifically, I would not ask for reimbursement of the honorarium under any circumstances. They could stop the interview at any point (even if it had not formally begun) and could inform me at a later date if they no longer wanted to take part in the study.

In addition, ensuring the anonymity of the participants was also an essential component of this project. Throughout the research, names and all identifying information were omitted. In addition, consent forms, the recording device, and transcribed data were stored in a secure locked file cabinet that only I had access to. Because of the number of participants who took part, pseudonyms were used. When possible, I asked participants if they felt comfortable using a pseudonym and, if yes, what name they would like to choose.

Immediately after the completion of each interview, time was allotted for participants and myself to reflect on the interview process and discuss concerns, questions, and emotions that might have resulted from the interview. Some participants expressed interest in talking further about the issues, outside of the interview context. Thus, a number of conversations continued after the interview and participants were told that they could contact me if they wanted to sit down and chat on another day. All participants were given a card with the community organization's number and hours of operation. The card also listed the names and phone numbers of emergency counseling and shelter services.

The Participants

Participants in this study comprised a diverse group; each person has had distinct life experiences, both on and off the street. Bearing in mind the heterogeneity among participants, some general demographic information can be provided.

All of the individuals who took part in this study were over the age of eighteen.

Participants ranged in age from twenty-one to forty-five; the average age was thirty-one. Fifteen participants were of Indigenous ancestry and five were Caucasian. Fifteen out of the twenty participants identified as women and five identified as two-spirited or transgendered women.

All of the participants occasionally worked the streets or had in the past supported themselves by working in the street-level sex trade. The average duration working in the street sex trade was just under twelve years. However, this figure is problematic because it implies that participants worked consistently for that period of time. Life situations dictate how often individuals work the streets. Some participants worked daily or weekly, while others worked a few times a year. Some worked one weekend per month to supplement meager welfare cheques and cover the costs of rent and bills. Of course, the frequency changed according to life circumstances. Three participants had worked the streets in the past but had, for various reasons, stopped. Fourteen participants were, in their own ways, transitioning off the streets and were at various stages in their transition journey.

Reflections and Revisions

Prior to the start of qualitative interviews I was versed in the literature about violence perpetrated against individuals in the street sex trade. Personally, I was not fully convinced that the communicating law was responsible for violence. Thus, I was originally not planning to

incorporate it into my analysis. Clearly, prior to undertaking the qualitative portion of the research, I had my own biased assumptions.

Participants challenged my academic knowledge and internal biases. For one, I found it extremely difficult to pull out common themes from narratives of twenty diverse women. Participants had their own distinct concerns, solutions, and conceptions about safety and the sex trade. Despite differences, one prominent theme to emerge related to the environment and legal framework in which they worked. The issues women discussed directly related to the communicating law. This fundamentally challenged my initial research path. As a result, and in order to do justice to the concerns voiced by a number of participants, I reflected on my personal biases, reevaluated my original research, and altered my thesis framework. I also sought guidance and advice about these challenges from a number of participants. The feedback they provided was invaluable.

Quantitative Data Analysis

In addition to conducting qualitative interviews, this project involved quantitative data collection in order to uncover details about perpetrators of violence. To do so, ‘bad date’ and ‘street hassle’ reports published by the community organization I had partnered with were analysed. I examined reports from 2002 to 2007. A bad date is defined as any form of violence (physical, sexual, verbal, emotional, mental, economic, or spiritual) perpetrated by a client, or a predator posing as a client. A street hassle is defined as any act of violence (physical, sexual, verbal, emotional, mental, economic, and spiritual) perpetrated by any person who is not a client or does not pose as a client. Perpetrators of street hassles can include the general public, resident groups, and police. Information about perpetrators (such as their sex, age, race², and type of vehicle) as well as details about the incident (such as general location of the violence and general types of abuse)

were coded and then inputted into SPSS for analysis. Information that could identify the perpetrator (such as license plate numbers, specific details about the vehicle, or distinct characteristics of the perpetrator) was omitted. No identifying information about the survivor of the incident was recorded.

Focusing on street-level customers has important limitations. Leslie Ann Jeffery and Gail MacDonald note that wealthier men are less likely to purchase sex from women who work the streets because they can afford escort and massage services (2006, 128). Similarly, Chris Atchison and John Lowman state that numerous studies “suggest that communicating law enforcement [which predominantly focuses on the street-level sex trade] captures men mostly from the lower socio-economic segment of the prostitution trade” (2006, 283). Because class is interconnected with race, and because men who are poor and racialized in Canada are over-policed, generalizations about street-level customers derived from police data and men surveyed in john schools contain serious limitations. But L. Gilchrist’s finding that the majority of men who frequent Winnipeg’s North End’s Lord Selkirk Park neighbourhood and sexually exploit Indigenous children are white and middle class is concerning. He reported that sexually exploited youth in this area “are mostly Aboriginal children, some as young as eleven” and “[t]he majority of men who come to this area are white and middle class” (Gilchrist qtd. in Fontaine 118, 2006).

It was hoped that the bad date analysis would shed some light on perpetrators and provide insight into possible systemic factors related to this violence. More specifically, quantitative data about perpetrators perceived sex and “race” might reveal whether this violence is gendered and racial in nature. Information about vehicle ownership or general vehicle model might speak to the class status of perpetrators. Considering that 48.8 percent of Winnipeg inner city residents

drive a car, truck, or van compared to 68.8 percent of non-inner city residents, vehicle use might also indicate whether the perpetrator is from the inner city or not (Census Data 2001: Inner City).

The quantitative analysis of “bad date” and “street hassles” has noteworthy limitations. Foremost, it is based on generalizations and assumptions. For example, a perpetrator might not necessarily own the vehicle he/she is in when he/she commits a crime. In addition, low-income individuals can and do own various types of vehicles. In addition, beyond gender and location of the crime, nothing is known about the race or class of the survivor. Despite these important limitations, it was hoped that the “bad date” and “street hassle” analysis might shed some light about perpetrators and whether systemic factors might be related to this violence.

Locating the Academic Researcher in the Research

A number of methodological considerations arise when undertaking this research. Margo St. James³ observes that, “Any theory that comes out about prostitution should come from the inside out, not from the outside in” (St. James qtd. in Bell 1987, 86). I respect St. James’ assertion, and acknowledge the limitations associated with my perspective.

The motivations which give rise to academic research can, indeed, be suspect. In regards to sex work, social investigators tend to justify their work by citing gaps in the academic literature. They often fail to critically examine and honestly discuss their own desires to undertake studies. Coy states that, “In social research, the researcher is rarely subject to the same scrutiny as [the] researched” (2006, 428). Razack argues that scholars must begin to reflect critically on their own role as privileged social investigators conducting fieldwork and writing about prostitution (1998, 376).

Sometimes concealed behind research gap explanations is a prurient interest in women in prostitution. The plethora of literature on sex work supports Coy’s assertions that there is “an

element of voyeurism and fascination born of the othering of women who sell sex and the perceived transgression of codes of femininity” (2006, 428). Such motivations compel academics to travel into spaces of prostitution and have fleeting investigative encounters with women who are constructed by dominant society as deviant. This type of research, Razack asserts, “is a planned, temporary foray into degeneracy that in the end only confirms the traveler in her position of privilege because she is able to emerge unscathed” (1998, 353). This voyeurism, she points out, “is precisely the process involved in a man’s use of a woman’s body in prostitution” (1998, 353). Desires to rescue women in the sex industry might also motivate research. Rescue strategies commonly associated with victim rhetoric has concerning implications for Black women, women of colour, and Indigenous women. Such strategies can result in colonial responses and perpetrate colonial stereotypes (for instance, that Black women, women of colour, and Indigenous women lack agency and are in need of assistance or saving).

The motivation behind the present study is personal. As a mixed-raced woman, my reality has been shaped by my gender, class, and race. Realities are not constructed in isolation; the experiences of individuals close to me have shaped my own experiences. Throughout my life I witnessed the racism my father, a newcomer settler who moved from India to Canada in the 1970s, endured. His oppression was clearly a result of his race as well as gender. From my standpoint, being a “Brown” man in a white supremacist country that has, historically, constructed South Asian men as threats to the nation did not appear to be easy (Dua 2000). Growing up, I witnessed firsthand the barriers my father confronted and the ways in which he resisted attempts by dominant society to keep him in place. Reflecting on my own life experiences as a mixed-race woman, I became cognizant of how oppressions and privileges regulate my life.

Personal desire to understand how my life is structured and the longing to resist gendered, racial domination compelled me to build solidarity with others who had somewhat similar but also unique experiences. I also wanted to give back to organizations that had helped me become conscious about power dynamics within Canadian society. In 2004, these partially selfish motivations led me to a women-centred organization where I started volunteering at an inner city drop-in open to individuals who were working or had worked Winnipeg's streets. Participants in the drop-in assisted me in my undergraduate work. Academically, I benefited from their knowledge and marginalization.

I am constantly haunted by the thought that my past—and present—academic work perpetrates oppression and is, itself, exploitative. Reflecting on my research, I anxiously wonder if I have, in fact, occupied the same role as the 'john.' Speaking to this issue, and echoing Razack and Coy's remarks, the English Collective of Prostitutes asserts that academics undertaking research about sex work are "pimping off women as much as men have ever done" (English Collective qtd. in Coy 2006, 428).

In reconciling this issue, I am cognizant of Razack's critique regarding feminists who theorize and write about the sex trade. Razack discusses the power dynamics involved when conducting such research (1998, 352–352 and 365). While I recognize my privileged status as a member of the academic community, I believe that undertaking this work is necessary in order to resist systems of domination and to combat violence. In this regard, Razack's reflection regarding her own work on violence against women in the street sex trade is helpful:

Positing myself as a scholar . . . and critic who wants to attend to the hierarchal relations and to the violence of prostitution, does not annul the respectability that writing this article and taking this position brings. I still remain the female social investigator . . . and my efforts to name the violence can be taken up as the traditional role of Lady Bountiful rescuing her unfortunate sisters. . . . [However], if I account for the violence and understand how it secures my own position of respectability, I can advocate for strategies

that will end prostitution. In doing so, I contribute to undermining the systems of oppression that structure my own marginalization (1998, 365-366).

Closing Remarks

This research was guided by the fundamental principles of respect, reciprocity, and long-term friendships and commitment. It was premised on the CD and feminist participatory action research approaches. The project involved qualitative and quantitative data analysis. Women who took part in this study and the community organization warmly welcomed me, and were open and giving. I am indebted to them. I have a deep responsibility to do a just job in representing participants' voices, concerns, and solutions. Internally I have struggled with this task. I have been compelled to deeply reflect on my own personal values, beliefs, conducts, and ethics. At times this scrutiny has been paralyzing, scary, and saddening. It has also been enlightening. I am forever grateful. Ultimately, I hope I keep what I have learned firmly embedded in my mind, heart, soul, and personal and academic conduct.

Notes:

¹ A detailed ethics application was submitted and approved by the University of Alberta Research and Ethics Board.

² I understand “race” is a social construction and not a biological category. Nonetheless, our social world is shaped by racism, as well as gender, race, and class oppression. Thus, the concept “race” is significant and cannot be ignored.

³ Margo St.James is a spokesperson for the sex trade worker’s rights organization Call Off Your Old Tired Ethics (COYOTE).

Chapter Three

Contemporary Colonial Violence in Winnipeg

In seeking to exterminate brutishness—the self-professed racial project par excellence—the state necessarily reveals at once its racial conception and becomes nothing short of brutal.
David Theo Goldberg¹

Introduction

In response to the unsolved murders and disappearances of her friends from Vancouver's Downtown Eastside, poet Sarah Jean de Vries wrote: "If she were some square john's little girls, shit would hit the goddamn fan. Front page news for weeks, people protesting in the streets. . . . It's a shame that society is that unfeeling" (Vancouver Eastside Missing Women, 2007). de Vries makes an important point about the construction of violence in white settler societies such as Canada. Reiterating de Vries, academic and activist Yasmin Jiwani argues that in Canada, "some forms of violence are sanctioned, others are more directly endorsed, and some are just not tolerated" (2006, 7).

In the context of Winnipeg's street sex trade, I believe there is evidence to suggest that contemporary colonial attitudes and resulting abuse is partially responsible for the pattern of violence against women in Winnipeg's street sex trade. A number of Indigenous women who participated in this study expressed concerns about racial violence perpetrated against them by various members of the public, including Winnipeg Police officers, individuals who go "slumming" in Winnipeg's inner city, and "bad dates". In addition to being racist in nature, the violence they described was also gendered, spatial, and sometimes sexual and homophobic. Concerns voiced by some participants were supported by findings from the quantitative analysis of the 2002-2007 "bad date" and "street hassle" reports. This analysis revealed that white males are markedly overrepresented in the perpetrator population. Ultimately I argue that systemic

contemporary colonial perceptions have contributed to violence against women in Winnipeg's street sex trade.

This chapter is divided into three parts. I begin by historicizing the analysis. I assert that sexual gendered racial violence and resulting stereotypes have historically functioned as a tool of colonization. Second, I look at police relations, including Indigenous women's concerns about police brutality. This brutality has colonial overtones and it is indicative of widespread systemic issues deeply embedded within the Winnipeg Police Service. Finally, I discuss participants' concerns about gendered racial violence being perpetrated against them by members of the general public as well as men who pose as "clients".

Historical Sexualized Gendered Racial Colonial Violence and the Making of a White Settler Nation

Drawing on the work of Edward Said, Dean Neu and Richard Therrien describe colonialism as "a set of processes and practices that make it possible for the colonizer to continue to dominate both the colonized territory and its inhabitants" (2003, 26). The colonial project in Canada has historically involved, but also strategically denied, the systematic assault on the spaces, resources, and bodies of Indigenous peoples. A historicized examination of colonial sexualized gendered racial violence and accompanying strategies to erase such violations from the nation's prevailing self-imagination reveals this.

Canada has an extensive history of colonial violence. Jiwani rightly insists that when "contextualizing contemporary violence, it is imperative to recall the violence inherent in the very process of nation building, the creation of the Canadian State through colonization" (2006, 7). During the 1800s and 1900s, racist, gendered perceptions resulted in colonial sexual gendered racial violence (Goldberg 2002, 99; Razack 2002b, 131; Trivett qtd. in Gray 1986, 12-13). This violence, Razack points out, "was an integral part of nineteenth century settler strategies of

domination” (2002b, 130; see also Amnesty International 2007, 15-16; Kuokkanen 2008, 220).

Similarly, Andrea Smith argues that sexual gendered racial violence functions as a tool of patriarchy *as well as* colonization. She writes: “The project of colonial sexual violence establishes the ideology that Native bodies are inherently violable—and by extension, that Native lands are inherently violable” (2005, 12).

Historically, the colonial government of Canada not only condoned, but colonial officials actively participated in, the sexual exploitation of Indigenous women. Razack reports that, “Oral narratives of late-nineteenth-century Lakota women suggest that the NWMP [North-West Mounted Police] had easy sexual access to Aboriginal women whose families were starving” (2002b, 131). During the late 1800s, Reverend Samuel Trivett, a missionary on the Blood Indian Reserve located near Fort Macleod, Alberta, observed: “White men came onto the reserve ... bought the girls, and when they grew tired of them, turned them out as prostitutes onto the streets of Macleod” (Gray 1986, 12-13).

Rape, sexual assault, and exploitation of Indigenous women and girls were not framed as gendered racial sexual violence. Instead, public officials—and later racist historians and scholars—stereotyped Indigenous females as promiscuous, and framed their families and communities as irresponsible (Razack 2002b, 130; Sangster 2002). As a result, violations perpetrated by settlers and colonial officials have been and continue to be erased from mainstream historical narratives. As Razack notes:

Prior to 1885 there had been a relative co-existence between fur traders and Aboriginal peoples, but the Métis rebellion and general Aboriginal resistance to their spatial confinement, as well as the increasing presence of white women on the Prairies, led to powerful negative images of Aboriginal women that portrayed them as licentious and bloodthirsty. (2002b, 130)

An 1886 editorial from the *Macleod Gazette*, which vehemently and defensively refutes allegations that Indigenous women and girls residing on the Blood Indian reserve were being sexually exploited by white men, illustrates Razack's assertion:

It is stated that these women are taken from the camp, kept a certain time and then abandoned to become common prostitutes around the town. But only one side is shown. Nothing is said of the fact that many of these women were prostitutes before they went to live with the white men and in many cases the overtures for this so-called immorality comes from the Indians, or from the women themselves. (Gray 1986, 194)

Late-twentieth century academic publications echo the racist gendered sentiments expressed above. In 1986, former *Winnipeg Free Press* reporter James H. Gray wrote:

The practice of Indians' squatting with their families around trading posts and selling the services of their wives and daughters for pennies with which to buy booze is a well-documented fact of American history. What is not so well known is that the practice persisted in Southern Alberta.... The reports of the North-West Mounted Police noted that Indians brought their women to the river flats below Lethbridge for the purposes of prostitution. (12)

Gray's racist account of history conveniently erases the relationship between colonizers, alcohol, and colonial violence and fails to mention that the North-West Mounted Police, as Razack points out, participated in the sexual exploitation of Indigenous women and girls (Fontaine 2006, 116; Roy 2005, 5-9; Chrystos 1991, 103).

More recently, Augustine Brannigan, Louis Knafla, and Christopher Levy's 1989 Department of Justice Canada report on the dynamics of Winnipeg's sex trade is coated with similar racism:

Winnipeg's population has a much larger Native component, and the adjustment of the Natives to the demands of urban life has been slow and, in many cases, unsuccessful. As a result, this has put even heavier demands on municipal and provincial social welfare programs. Naturally, many young Natives have turned to prostitution both out of necessity, and as a result of weak family structure and lack of parental control. (194)

Brannigan and his colleagues fail to situate their analysis in the context of colonial violence and ignore the direct relationship between colonialism (past *and* present) and the overrepresentation of Indigenous women and girls in Winnipeg's street sex trade. Moreover, their awkward use of the word "naturally" discursively conflates Indigenous females with prostitution and constructs them as innately prone to participating in the street sex trade. Finally, Brannigan, Knafla, and Levy's discussion further perpetrates colonial stereotypes which depict Indigenous peoples as backwards, uncivilized, antithetical to urban life, and economically and socially dependent and draining on the Canadian state (Jiwani and Young 2006, 898).

Like sexual gendered racialized violence, colonial stereotypes are a tool of colonization (Bird Rose 1996; Smith 2005, 7-33). They erase historical and contemporary violence inherent in Canadian nation building and justify past and present colonial domination over Indigenous peoples' political systems, cultural beliefs, children, resources, land, movement, and physical bodies. In other words, negative images act as a distraction to colonial violations. They construct a particularly skewed history of the nation by placing blame onto the colonized. Noting the paradox inherent in colonial conquest, David Theo Goldberg writes: "In seeking to exterminate brutishness—the self-professed racial project par excellence—the state necessarily reveals at once its racial conception and becomes nothing short of brutal" (2002, 123).

Colonialism continues today. Gendered racial colonial violence and its accompanying stereotypes are "not confined to distant history" (Amnesty International 2007, 16) and, as Nahanni Fontaine notes, "there is nothing 'post-colonial' about Aboriginal peoples' experience" (2006, 116). In respect to contemporary police investigations and the justice system, Warren Goulding observes that institutionalized racism against Indigenous women has led to inadequate police investigations, lenient charges against perpetrators, and a widespread indifference towards

the victim of the crime (Goulding 2001, 135-219).² Razack writes that colonial assumptions “often appear to be operating when the police fail to respond to the disappearance of Aboriginal women, citing their involvement in prostitution and their practice of moving from place to place.... Ironically, it is their very dispossession that is held against them when Aboriginal women encounter violence on the streets” (2002b, 135-136). The Winnipeg Police Service’s reporting of nineteen-year-old Glenda Morrisseau’s unsolved sexual homicide illustrates Goulding and Razack’s observations.³ The Winnipeg Police Service utilizes colonial rape myths that construct Morrisseau as wild and flirtatious to explain why she may have encountered violence:

Morrisseau did enjoy drinking, parties and was known to be flirtatious with older men if they would buy her drinks. As such, someone she was flirting with at the bar may have *misunderstood* her intentions. . . . Unfortunately, as Morrisseau was last seen hitch-hiking and because her body was not discovered for nearly a month, investigators were hampered in their abilities to solve this crime as Morrisseau’s activities immediately prior to her death were not easy to establish. (Unsolved Homicides: 2006; emphasis added)

This discursive move not only blames Morrisseau for the unsolved status of her case, it also constructs her as responsible for her own sexual assault and death. Beyond police reporting I suggest systemic gendered racial colonial perceptions are operating within the Winnipeg Police Service. I now turn to participants’ discussions about the concerns they expressed over their relations with the police.

Contemporary Policing and Colonial Violence

The Winnipeg Police Service

Nearly all participants stated that their relations with members of the Winnipeg Police Service were both positive and negative. Similar to Leslie Ann Jeffrey and Gayle MacDonald’s study, they distinguished between “nice” and “not so nice” officers (2006, 106; see also Nixon and

Tutty 2003, 77-78). Many women whom I interviewed acknowledged that some police officers truly attempted to foster genuine relationships premised on friendship and trust. On the other hand, the majority of women who took part in this study also expressed concern over their relations with members of the Winnipeg Police Service. The communicating law clearly strains interactions. As will be elaborated on in Chapter Four, participants were hesitant to report abuse to the police. Women specifically feared that if they turned to the police, the very people who are responsible for enforcing prostitution laws, they would risk being charged for communicating for the purposes of prostitution. Two participants stated that they had, in fact, been charged as a result of reporting an assault. Thus, misgivings about the Winnipeg Police Service are clearly related to the communicating provision. Nonetheless, as I have been insisting through this paper, to attribute mistrust solely to the law erases systemic racism and history from the analysis. What set Indigenous women's narratives apart from Caucasian participants' stories were Indigenous women's experiences with police brutality. This finding is consistent with Kendra Nixon and Leslie Tutty's work with women in the sex trade in Manitoba, Saskatchewan, and Alberta (2003, 77-78). Specifically, they found that sixty percent of participants who had experienced police violence were of Aboriginal origin.

Five Indigenous women who took part in this study openly discussed and elaborated on violence that they had personally experienced, perpetrated by the police. A number of these instances involved more than one officer. This dispels the myth that police brutality is a result of "a few bad apples" within the Winnipeg Police Service.

Contemporary Policing and Sexual Gendered Racial Violence

Jody is an Indigenous two-spirited woman. Seven years ago she made the decision to transition off the streets. Jody said:

I had enough of burying all my friends, and the violence. Yeah. The violence and the deaths of all my friends. I had enough. From then to now I'm still burying friends that had been exposed from the streets to HIV. Now they're passing on. So I'm a very strong person. Yes.

Jody now works for a Winnipeg inner city community organization. She remarked that, "the police are another story." When asked if she thought racism was related to police treatment, Jody said:

Oh yes. Yes. Especially against Aboriginal women, not just transgender. It's both women and transgender. And Caucasian [police] hate, ah, Aboriginal women and transgender. Yes. Some are so nice but some of them are dates too. They come in their cop cars when they're alone and some will pick us up and take us for rides. Yeah. Yeah. That's how much crooked cops they got in this city.

She then detailed her concerns about the police. Police officers have used her criminal status against her and have directly sought amusement out of sexually humiliating Jody and her friends:

One time I was out there with two other women. I had a warrant for my arrest and these two cops knew me. They go, 'You're wanted.' I go, 'Shit'. And these girls are just laughing. I go, 'Don't laugh. I'm gonna go to jail.' And then they [the police] go, 'Don't worry about it. As long as you do this one thing for us, we won't, we won't take your ass to jail.' I go, 'Anything, anything.' So they pulled out a camcorder. They wanted those two women to [engage in a sex act with Jody] while they were taping. And then they let me go. That's when I got off the streets. I can't believe they did that to me. . . . One of the girls, she still remembers it. It bugs her till now.⁴

When asked if she would have felt comfortable officially reporting the incident Jody understandably replied that she did not want to jeopardize her main source of income. She also said she was fearful of police retaliation and doubted that she would be believed:

I didn't want to tell because that was my main source of income. Yes. I would have been chased around from the same cops. And it's their word against me. 'Cause they're cops and they're gonna listen to them, not me.

Finally, Jody expressed concern over additional violations she has observed unfolding in the context of Winnipeg's street sex trade. She also insisted on a solution to lessen exploitation by members of the Winnipeg Police Service:

I can see so many girls, they have to, like "real" girls they [the police] want to find out they're "real" girls so these girls have to show their breasts to these cops. So they do it. Because some, because we're always left alone and we have to do what they, what they

want. We have to do, expose ourselves, or have the women expose themselves, and they leave us alone. Yeah. That's why I suggest what they have in the States, in the police cop cars, they have cameras. That's what they should have here. . . . Get those cameras in those damn police cars. Because in camera, they can know. You know how unlawful they are.

A second participant, Sherry, shared similar concerns about sexual gendered racialized violence at the hands of Winnipeg Police Service officers. Sherry is a female Indigenous organizer and intellectual. She has done a lot of reading on Maslow's hierarchy of needs. Like, Jody, Sherry commented that, "the police are a big issue on the street." Also similar to the incident Jody shared, Sherry said that the police have threatened to incriminate her if she did not comply with their demands. She relayed the following story:

They threaten to, ah, take you in if you don't engage with sex with them. Like they'll say like, 'if you wont have sex with all eight of us we're gonna charge you, and take you in.' Oh, they're bad. I don't really care about the cops. Like I'm not scared of the cops. Yeah. Like they'll jack hookers. They'll threaten hookers on the street. They'll, they'll, they'll even jack crack houses and, ah, for the money and sometimes the crack. . . . And you can't do anything about it. There are good cops out there. I've only encountered one good cop, almost in my entire life.

While only Jody and Sherry discussed stories of sexual gendered racialized violence perpetrated at the hand of Winnipeg Police Service officers, their narratives indicate that nineteenth century colonial mentalities which depict Indigenous women as violable are widespread within the force. The fact that their stories implicate a number of officers supports this. Participants in Nixon and Tutty's research provide further evidence that this violence is systemic. Interviewees, sixty percent whom identified as Aboriginal, discussed being sexually assaulted, raped, and propositioned by officers (2003, 77). Like Jody, participants in Nixon and Tutty's research expressed fear of retaliation.

Contemporary Policing and Physical and Spatial Colonial Violence

Beyond sexually violating some participants' bodies, further instances of police brutality and harassment were discussed. The concept of space, specifically police officers' attempts to control

space and cleanse space was a key theme intertwined in stories. The inner city is a racialized zone but it is also a contested place. It is an area where some Winnipeg Police Service officers exert their “unquestioned right to go anywhere and do anything” to women within these spaces (Razack 2002b, 136). Mary is an Indigenous woman, mother, inner city resident, and student. She commented that, “the cops, they always stop and check me and that.” Like other participants, Mary acknowledged that, “Some of them, some cops are nice but then some of the bad cops, they’ll treat you like dirt.” During our discussion about violence she told the following story:

There’s only one thing that pops into my head. I was thinking of the cops. When they drove me outside of the city. Is that like violence?

Interviewer: Yes. That’s violence.

They made me walk back and it was wintertime. I could have got them in trouble, but I didn’t want to end up dead. Yeah. It was because I called them [a variety of negative names]. The driver got kind of pissed off. So he grabbed me by the arm and told me to get in the fucking car.⁵

Like Jody, and participants in Nixon and Tutty’s study, Mary’s articulation that she “didn’t want to end up dead” speaks to the fear officers can instill and the power they have. Paradoxically, Mary’s resistance to the officers’ vigilance clearly invoked anxieties within the police officers and sparked “internal fears that they may not be men in control” (Razack 2002b, 143). The violent eviction undertaken by members of the police force symbolizes “a literal cleansing” of the city (Razack 2002b, 143). As Razack notes, “The evictions are to areas where white men are able to evade responsibility for their violent acts, areas where there are few witnesses and where, significantly, the norms of civility are suspended” (2002b, 143). Mary’s story is not an isolated incident. Such evictions are common knowledge among Indigenous inner city residents and community activists.

Another participant, Amber, also expressed frustration and concern over the Winnipeg Police Service's treatment. Amber is a female inner city resident who is "very wise when it comes to meeting someone" and "can judge character." She is close to her family and constantly watches over them. Amber told the following story:

Well, there's lots of cops out there too but cops harass us mostly too. And um, they're just doing their job, just like we have to survive day to day. . . . It seems like they're just mostly trying to get information about, ah, the girls, the drug houses, and that. Or they use that against you when, like, say if, um, I have a bad date. . . . You should be, or look you could have gone looked at this [the bad date report]; instead, you're stopping me and asking me to get off the corner, or whatever, when I'm just living there and I'm just walking. You should be out there looking for the killer that's hurting these women and that. Instead. You know?

Interviewer: They hassle you a lot, even when you're just walking down the street?

Yeah. Actually, they do.

Interviewer: Even when you're not working?

Yeah. Even when I'm not working. Cause I'm on curfew right now until six in the morning. Yeah. So it's mostly they hassle me in the daytime. Like they're parked a block away and they watch me, when I leave. It's always the same cops. And they have no reason to stop me because I'm allowed to go [location omitted] and to come [location omitted]. 'Cause that's what it says on my probation order. I gotta go [location omitted] during the day. And, um, they, they, they try to pick me up for leaving the house and breaching. They say, 'Well you can't be out here. You're in *our territory*.' They say this is *their* area. They're controlling the area. Yeah. And well, I live in the area too I tell them. You know? 'Cause I can't be indoors constantly. And they say, 'We already know you're coming out here to make your money. Why don't you just go home, or we'll take you in for a breach.'

Similar to the historical role of the Indian Agent who watched over and controlled Indigenous peoples' movement on reserves, some contemporary officers who work in Winnipeg's inner city feel that have the right to regulate movement and, further, lay claim to land which, inherently, does not belong to them.

The nineteenth century colonial perception that Amber was a prostitute when there was no evidence to suggest that she was leaving her home to work the streets is also apparent in the

police officers' disrespect towards her. Sherry described similar stereotypes. She discussed police officers' reactions to her when she has reported incidents of violence. Similar to the police reporting of Glenda Morrisseau's sexual homicide, officers Sherry had contact with utilized colonial rape myths to blame her for the violence she encountered. When explaining why she would not turn to the police for assistance if she encountered violence she told the following story:

They're [the police] are always like, 'Oh, oh, you're, you're, you're a hoe, you're a hoe, so we're not going to believe you anyways. Probably just ripped you off and you're pissed off.' They'll just make some kind of excuse for a few nuts and not pursue anything. There's no sense depending on the cops.

Jody was particularly concerned about homophobic tactics undertaken by some Winnipeg Police Service officers. Rather than directly exerting brutality, she said police officers were indirectly responsible for assaults. In a heterosexist society, actions undertaken by some officers have serious repercussions:

There's so much, ah, so much crooked cops. They put us in danger themselves. The cops themselves put us in danger. They'll stop the vehicle. We're in there, us transgender people. They'll tell you to take a walk and they'll tell that guy 'Don't you know that's a guy?' And then after that, after they got his license plate and all that, they let him go. And then if this guy comes back, you're going to get it. And these cops, when I tell them what me or other girls are, what we are, and we tell those cops, 'You guys, you're putting us in danger when you guys are doing this.' And then, do you know what the cop says? 'It comes with the streets.' Like hello. Why do you have the job you have? You're supposed to protect, not expose.

Jody then elaborated that this exposure can have potentially lethal consequences:

Yeah. Like some of these girls are missing. Some of them got murdered. Some of the transgender [women]. It actually, that's one of the cases, probably how one of these girls got murdered. A transgender one. Yup. And some guys are so furious. They just want to come back and beat the shit out of you. Or kill you even. 'Shit. I was with a guy. I was with a guy. Oh my god. I'm going back to get that bitch.'

Finally, Krystle is a two-spirited woman. She is a poet, philosopher, active in Winnipeg's anti-poverty movement and has, for many years, been involved in grassroots organizing around

missing and murdered women in Winnipeg. Like other participants, Krystle had positive and negative feelings towards officers. She had a great deal of respect towards those who genuinely cared about her overall well-being:

Whenever the policemen came out there to check on me and they'd come and specifically ask me, 'Did you have any bad dates? Anything you want to report? Is everything good?' And to me, in that moment, I can really see that they are concerned. They didn't actually have to stop, and they did. And for me, my respect just went up a notch for those who actually came out and, you know, took that time to actually come out and ask me what to them [in their own personal lives] is not a problem. You know? They don't have to worry about if they're going to get a brick thrown at them or a ball four or an egg thrown at them. Yet they know and so they, they took the time and they stopped and said, 'Are you okay?' And that was a big one. And it's like, if only, if only everybody was like that.

Despite her positive encounters, Krystle was still wary about turning to the police if she experienced an assault. She directly related her misgivings to systemic racism within the force:

I've had, I've already had negative involvings. I would never rely on them, even though I had those few experiences where there were good cops who I dealt with. If I needed to depend on that support system I would never go running to a cop. I wouldn't, even if it was one I trusted. Because of the whole rest of his clan, the whole rest of his department, the whole rest of his force of his squad, or whatever. Because they all hate me. Why do you think I'm going to go to him because he accepts me? There's a threat that he could be taken down. Do you know what I mean? The complexities. No. I would never ever run that risk of putting him in danger, or have him put his values on the table or his ethics, and say, 'Okay, put it to the test. Do you really care about me or are you just doing your fucking job?' I'm not going to do that to stir ethics just to prove a point. Like I'm not going to that point. You know what I mean? For me, I would just find my support systems elsewhere, rather than going to the police. . . . I would never really prefer to actually go one-on-one and get that support just from one caring police officer. Because, again, back to society's perceptions. Somewhere in the back of my mind I'm always going to wonder when are you going to become tainted? When is your mind going to suddenly look at me as the root problem? You know? It's like, when is society going to finally supposedly convince you that I'm the root of all evil? It's like, I just don't want to go there.

Historical Colonial Policing in Canada

When a police officer enters Winnipeg's inner city and exerts power, control, and violence over residents in this racialized space he/she is engaging in something fundamentally colonial (Razack 2002b). This is especially apparent when officers sexually exploit, bribe,

humiliate, and rob women who rely on prostitution to survive. In 2006, the Winnipeg Police Service reported that 83.6 percent of Winnipeg Police Service officers identified as white (The Winnipeg Police Service Annual Report 2006, 28). Regardless of contemporary demographics, policing institutions in Canada have a colonial history. The 1999 Report of the Manitoba Aboriginal Justice Inquiry made it clear that contemporary relations between Indigenous peoples and various policing institutions, including the Royal Canadian Mounted Police as well as the Winnipeg Police Service, are intrinsically linked to historical colonial terrorism undertaken by the North-West Mounted Police (which later became the Royal Canadian Mounted Police). Among other things, the North-West Mounted Police assisted Indian Agents in capturing children who fled the confinements of residential schools and apprehended Indigenous peoples who left reserves without first obtaining a pass from the Indian Agent. The North-West Mounted Police also played a critical role in the 1885 Métis rebellion. They executed accused “rebels” and punished other suspected “rebel” allies by looting, burning, and destroying their homes and properties (The Manitoba Aboriginal Justice Inquiry, Chapter 16 Policing 1999, 3-4). It is difficult not to draw parallels between Jody and Sherry’s stories and Razack’s report that, during the nineteenth century, the North-West Mounted Police sexually exploited Lakota women whose families were going hungry (2002b, 131). The Manitoba Aboriginal Justice Inquiry reported that “this early history has had an effect upon the relationship between Aboriginal people and the RCMP” and has “coloured the perceptions Aboriginal people hold of other police forces in the province” of Manitoba (1999, Chapter 16 Policing, 4). It appears that, in the Winnipeg context, historical events have not only “coloured” Indigenous peoples’ perceptions, but colonial attitudes, specifically the nineteenth century notion that Indigenous women are violable, have

been transmitted into contemporary policing institutions, and have played a pivotal role in the actions undertaken by some police officers.

Contemporary Colonial Violence – Not the Case of a Few Aberrant Men

In addition to racism within the Winnipeg Police Service five women who took part in this research noted that racism was operating in the minds and actions of other perpetrators. Jody discussed homophobia and racism inflicted by “slummers” (perpetrators who commit “street hassles”) who undertake voyeuristic journeys into Winnipeg’s inner city, particularly after the bars close, and hurl insults and sometimes objects at women who are working the streets. She told the following story:

With the, these are the young ones that, that drive around. They don’t buy none of the girls. They just like to raise shit. Say ‘trannies. Fags.’ Or they go, ‘show us your tits.’ And then, you know, we get stuff thrown at us too. Yeah. Oh yes. I’ve seen many of my friends get bashed with ah big, big bricks. Like they drive by fast and that brick is gonna hit you hard. . . . ‘You Indian. You sq—. Fucking sq—. Go back to the bush. Like even, we were out there with an Oriental woman, transgender, and they yell at her, ‘Go back to the rice fields.’ And they just keep driving by. We throw rocks too [back at them]. Yeah. Because they threw stuff at us. We’ve smashed car windows. We tell the cops and [the police say], ‘It comes with the streets.’ That’s all I kept hearing for the past ten years while I was out there.⁶

Despite police officers attempt to shift blame onto them, Jody and her friends clearly do not accept the epithets and violence they encounter. In regard to perpetrators who present themselves as “clients” Molly, a Caucasian participant who, like Krystle, is an exceptional poet, expressed deep concern over what she thought was unfolding in the context of Winnipeg’s street sex trade.

Reporting on what she has seen and heard she said:

Aboriginals get picked on by white men a lot. It’s almost like a slave thing I see. It’s, it’s very degrading. . . . I’ve heard guys say, ‘No, I want a Native girl. Get me a Native girls because I can hurt her.’ And it’s just like, ‘You want me to get you someone you can hurt?’ Or, they’ll say, ‘Get me somebody under fourteen.’ You’re talking to someone who has a daughter here. I’m not getting you anybody.

Jyoti is a female inner city resident and mother. She provided disturbing evidence of Molly's comments. When asked about racism Jyoti told the following story:

Actually, I had a bad experience. This guy, he was sitting there. He was alright at first. And then, like we discussed about whatever. And then, I don't know what he said. I was doing my whatever with him, and all of a sudden I could feel like his hands come to the back of my head. And then he like kept pushing [part of story omitted]. He was calling me, he was saying, 'Oh, come on. Don't you know how to do it? You're a sq—. Like you dirty Indians know how to do this. This is the only job you guys, you Indians have, is selling yourselves.' Like he was kind of going on about like Native girls.⁷

The perpetrator was white. The colonial violence and perceptions in this story do not require explanation.

Finally, when asked about racism Krystle believed that discrimination played a crucial role in two near death encounters she experienced. Furthermore, she also thought dominant society's racist perceptions equipped the perpetrators with confidence that they could commit violence against her with impunity. She also touched on a fundamental and telling solution that could ameliorate violence:

I would think that [racism] definitely played into both [near death encounters], especially because I am Aboriginal. Yeah. Yeah. Definitely. I would say that was a major factor. I think because in their eyes they just didn't value me period. They knew that no matter what they did to me, no matter what violence they inflicted upon me, that not even the policemen who came to tend on me, no even the ambulance attendant who came to tend on me would even care. It's almost like society is giving them permission because of the way we are viewed in the press and on TV. . . . The rest of society just feeds into that so it just encourages them. It's just kind of like a stamp of approval, a nod. In other words, they know there's nothing to lose. They know there's nothing to lose because we're not even people. We're not even, oh, now I'm getting into politics. You need to do away with the Indian Act. Until you do that then we're still going to be murdered and pummeled. There's still going to be high numbers. It's like First Nations people are not even considered humans by our own government. How do you expect the rest of society to view us? You know what I mean?

The encounters described by participants are not a result of a few aberrant men. A handful of academic studies provide further evidence that this violence is systemically rooted in the very fabric of the Canadian colonial nation. In his analysis of assaults on and murders of

adult street sex workers and sexually exploited youth, John Lowman reported: “First Nations women, who constitute somewhere between one and two percent of Canada’s population, comprised twenty-seven percent of the victim population (probably greater than their proportion in the general population of street-involved women). Known offenders are overwhelmingly Caucasian” (1995, Sections 3, 4). Cherry Kingsley, Marian Krawczyk, and Melanie Mark point out that British Columbian community consultations revealed that, “Aboriginal women are disproportionately the targets of assault. Racism appears to motivate these attacks; patterns of assault in some suggest that victims are selected on the basis of race alone” (2000, 24).

The quantitative data analysis of the 2002-2007 “bad date” and “street hassle” sheets further illustrates that this violence is systemic. With regard to “bad dates” 179 events were analysed. Virtually all events involved male perpetrators. 90.5% of events involved one perpetrator; 9.5% involved two or more (13 involved 2; 3 involved 3; and 1 involved 4 perpetrators). There was only one case where a woman perpetrator was present. The majority of perpetrators were white. In total there were 201 perpetrators involved. Race was specified in 175 of them. Of this number 57% (100) were white. Vehicle ownership could be interpreted as a sign of class status. Of those cases where mode of transportation was specified, the majority (51%) of perpetrators drove a car, while 15% were in a truck, 7% an SUV, and 9% a van. The perpetrator was on foot in 9% of cases. Bicycles were used in 7% of cases and public transit and taxi in just 2%.

In relation to the 2002-2007 street hassle reports 43 events were analysed. 63% of street hassles involved one perpetrator and 37% involved more than one perpetrator. There were a total of 83 perpetrators involved in 42 incidents (the number was unspecified in one case). Female perpetrators were more likely to be involved in street hassles compared to bad dates. 11 (26%) of

the street hassle incidents involved female perpetrators. Because of anonymity associated with street hassles the race of the perpetrator was only indicated in 35 (42%) of the events.

Nonetheless, the majority, 23 (66%) were white. Mode of transportation was not specified in 9% (4) of events. Of the events specified, 36% of street hassles involved vans; 28% cars; 13% SUVs; 15% were on foot; and 8% involved a bicycle. Street hassles were most likely to be reported in Winnipeg's North End.

Recent Cases of Colonial Violence across Western Canada

In the context of Winnipeg, it appears that gendered racial colonial systemic perceptions have contributed to violence against women in Winnipeg's street sex trade. According to Razack, "Although there is no systematic study of the sexual violence Aboriginal women endure today on the streets at the hands of white men, the cases that do surface suggest that the nineteenth-century perception of the Aboriginal woman as . . . dehumanized . . . continues to prevail" (2002b, 135). This chapter provides substantial evidence to support Razack's assertion. While not Winnipeg-specific, a number of documented cases provides further evidence that systemic sexual gendered racialized colonial violence and resulting stereotypes continue to prevail in the broader Canadian context.

The 2007 retrial of Jeffrey Kindrat demonstrates this. The accused, a white male in his mid-twenties, faced charges of sexual assault against an Indigenous girl. Two additional white men were also charged. Only one of the accused has been convicted.⁸ In September, 2001, the three men allegedly picked up the (then) twelve-year old girl. Reflecting the relationship between colonizers, alcohol, and colonial violence (Fontaine 2006, 116; Roy 2005, 5-9; Chrystos 1991, 103), the survivor stated that one of the men offered her beer, saying that, "It would take away [her] problems" (*The Globe and Mail* March 21, 2007, A10). She was subsequently raped.

Echoing nineteenth-century colonial attitudes, one of the perpetrators claimed that the girl “started it”, and that “she was the aggressor” (*The Globe and Mail* March 22, 2007, A12). In late March, 2007, Kindrat was, for the second time, acquitted by an all white jury.

Other cases support the claim that gendered racial colonial violence continues today. One is the 2004 high-profile case involving former British Columbian Judge David Ramsay. Ramsay (now deceased), who was white, was accused of sexually exploiting, sexually assaulting, and physically assaulting four Indigenous girls in Prince George, British Columbia.⁹ At the time of the attacks, the girls ranged in age from twelve to sixteen. In one of the cases, Ramsay sexually and physically assaulted a twelve-year-old girl. When she escaped he chased her down and told her “no one would believe her” (*Globe and Mail* June 2, 2004, A1).

On April 17, 1995 Pamela Jean George, a Saulteaux woman with two daughters who liked doing crafts and could “cook anything”, was murdered in Regina, Saskatchewan (*Leader Post* October 19, 2001, B2). Steven Tyler Kummerfield and Alexander Dennis Ternowetsky, two white middle class university students, were eventually charged. Shortly after her murder, the two men bragged about beating up an “Indian hooker” (Razack 2002b, 140). Ternowetsky was reported to have said: “She deserved it. She was Indian” (*The Saskatoon Star Phoenix* January 31, 1997, A3). In 1996, the two men were tried before an all white jury and white male judge (Justice Ted Malone of the Court of Queens Bench) on charges of first-degree murder. Before deliberations, Malone reminded jurors that George “indeed was a prostitute” (*The Saskatoon Star Phoenix* December 23, 1996, C1). Kummerfield and Ternowetsky were convicted of manslaughter, and were given six-and-a-half year sentences. In response to the verdict and sentencing Ina George, Pamela’s mother, said, “they should have got more” (*The Saskatoon Star Phoenix* January 31, 1997, A1).

In 1996 John Martin Crawford, a white male in his late thirties, was convicted of brutally murdering three Indigenous women—Eva Taysup, Shelly Napope, and Calinda Waterhen—in Saskatoon. Commenting on the case, Judge David Write remarked: “The accused treated them with contempt, brutality; he terrorized them, he violated them sexually, he confined them. He seemed determined to destroy every vestige of their humanity. . . . There is a kind of ferocity in these actions that reminds me of a wild animal, a predator” (qtd. in Goulding 2001: 189). But Crawford had a history of violence. In 1982 he was charged with first-degree murder of Mary Jane Serloin, an Indigenous woman residing in Lethbridge, Alberta. Nevertheless, like Kummerfield and Ternowetsky, his charge was reduced to manslaughter (Goulding 2001, 73-78).

On October 12, 1987, Vanessa Lee Buckner, a Vancouver resident and new mother, was murdered by Gilbert Paul Jordon, a white male in his mid-fifties. Like the above cases, the accused was charged with first-degree murder but the Crown reduced the charge to manslaughter. Jordon was subsequently found guilty. In addition to Buckner’s death, he was linked to the alcohol-poisoning deaths of Ivy Rose (Doreen) Oswald, Mary Laurentia Johnson, Barbara Anne Paul, Mary Doris Johns, Patricia Thomas, Patricia Josephine Andrew, Velma Dora Gibbons, and Veronica Norma Harry (*The Vancouver Sun* October 22, 1988, A12). Oswald was white, Buckner was mixed race (Black and white), and Johnson, Paul, Johns, Thomas, Andrew, Gibbons, and Harry were of Indigenous ancestry. According to various testimonies, including evidence from his own diary, Jordon preyed on Indigenous women, paid them to drink excessive and often lethal doses of alcohol, and sexually assaulted them (*The Vancouver Sun* October 17, 1988, A1). In one instance, he was reported to have said: “I’ll give you ten, twenty, fifty dollars, whatever you want. Come on, I want to see you get it all down” (*The Vancouver Sun* October 8, 1988, A1). Over a four-year period Jordon reported at least three of the deaths himself. On

separate occasions, police found three women in his barbershop (*The Vancouver Sun* October 22, 1988, A1). Despite ample evidence that Jordon was connected to numerous deaths, the authorities failed to act. During his trial, it was revealed that, in 1986, the coroners and police investigating the deaths were aware of three to five deaths that involved Jordon (*The Vancouver Sun* October 24, 1988, A1). However, police dropped their investigation. Buckner and Shade were subsequently killed.

A critical analysis of the coroner's report reveals that racist colonial attitudes were likely operating during the coroners' inquests into the deaths. Specifically, a number of reports surmised that the deceased woman was likely a "chronic alcoholic" who had accidentally consumed a lethal dose of alcohol (*The Vancouver Sun* October 22, 1988, A12).

Concluding Remarks

In this chapter I have argued that systemic factors, specifically colonial perceptions and resulting violence, have contributed to violence against women in Winnipeg's street sex trade. As Krystle points out, these attitudes are widespread and have penetrated the very fabric of Canadian colonial society. Change requires serious reflection and fundamental shifts within the very structures of our society.

As previously mentioned, David Theo Goldberg reminds us that, "Power is never ceded or shifted without resistance" (2002, 83). Too much focus on violence and oppression can paradoxically result in the reproduction of colonial stereotypes that depict Indigenous women as passive oppressed victims. As will be discussed in the concluding chapter, women who took part in this study engaged in various acts of resistance and all rejected the victim status emphasized by the radical feminist position. Furthermore, when reviewing the "bad date" and "street hassle

reports” my focus on violence was fundamentally challenged. Specifically, quiet and loud ingenious acts of resistance were undertaken to outsmart perpetrators.

Systemic discrimination in the fabric of liberal “democratic” colonial societies tends to be transmitted into laws. Laws then reproduce the systemic discriminatory order. Nearly all participants discussed issues that directly related to the communicating law. Therefore, in the next chapter I explore the communicating law, its relationship to systemic discrimination, and whether it has contributed to violence.

Notes:

¹ See Goldberg (2002, 123).

² See also Amnesty International (2004) and Jiwani and Young (2006).

³ Glenda Morrisseau was a student at Winnipeg's R.B. Russell School. She was last seen alive on July 17, 1991, and was reported missing days later. Her body was discovered on August 7, 1991.

⁴ Details that could potentially identify Jody and others involved in this incident have been deleted.

⁵ Details have been omitted in order to avoid identification.

⁶ Following Razack's rationale, I have omitted letters "in an attempt to reduce the violence and lessen the harm of the word" (2005, 355).

⁷ Out of respect for Jyoti, and to avoid the vivid and detailed reproduction of the story, I have omitted some details.

⁸ In addition to Kindrat, Jeffery Lorne Brown and Trevor Dean Edmundson were charged. In 2003 both Kindrat and Brown were acquitted by an all white jury. The Saskatchewan Court of Appeal overturned the verdict and ordered retrials for Kindrat and Brown. In May 2008, the all white jury deliberating at Brown's second trial was unable to reach a verdict. In July, 2008, Saskatchewan justice officials verified that he would not be tried a third time. To date only Edmundson has been convicted. He served a two-year conditional sentence, at his home, for sexual assault.

⁹ Before the case came to light all the girls had, at one point, appeared in Ramsay's Prince George courtroom. In fact, this was how he was identified as a perpetrator. One of the survivors appeared before him in court and recognized him as a "bad date". In 2004 Ramsay was sentenced to seven years in jail.

Chapter Four

Nourishing Systemic Violence: A Critical Assessment of the Communicating Law (*Criminal Code* section 213) in the context of Winnipeg's street sex trade

An unjust law is itself a species of violence. Arrest for its breach is more so.

*Mohandas Karamchand Gandhi (1869-1948)*¹

Introduction

Nearly all of the participants in this study discussed concerns that were directly related to the communicating law (*Criminal Code* section 213). Thus, the women who took part in this research have compelled me to confront and elaborate on the dilemmas Razack herself encounters (1998, 373-375). Razack questions the impact decriminalization might have on racialized individuals in prostitution. She surmises that, like mainstream employment, racial exclusion will occur. This, in turn, will result in further marginalization and criminalization of individuals who turn to prostitution because, ultimately, they have few alternatives (1998, 373-374). In addition, citing the systemic nature of violence, Razack doubts decriminalization will end the violence that is channeled into spaces of prostitution and bodies within these zones. On the other hand, Razack acknowledges that criminalization and imprisonment have concerning consequences for racialized and migrant women who are unfairly penalized by the justice system (1998, 375). Razack draws no conclusions about what to do about the law. However, she insists that it cannot be our sole focus. Ultimately, she believes that the violence will cease only when systems of domination (patriarchy, white supremacy, and capitalism) are undermined.

What Razack conveniently fails to interrogate is how the communicating law acts as an *accomplice* to violence. In other words, how it *assists* (for example, by forcing women into isolated places) and perhaps even *encourages* (for instance, by dehumanizing individuals in the

sex trade by constructing them as criminals versus citizens) perpetrators to commit violence and, further, how this provision enhances the likelihood that violence will occur with total impunity. Moreover, while Razack discusses the role other laws (such as zoning laws) play in reinforcing and maintaining hierarchal orders, particularly in urban spaces, she sidesteps the communicating provision's role in reproducing a particular gendered, raced, classed and even spatial order. Her (likely conscious) avoidance speaks to the difficulties involved in ethically theorizing about street sex work in general, and racialized prostitution in particular. Advocating decriminalization of any type could potentially be interpreted as acquiescing to the unjust gendered, racial, classed, social order which gives rise to racialized forms of prostitution. On the other hand, ignoring the role law plays in *enabling* and *reproducing* this order and, moreover, helping perpetrators commit crimes with impunity, essentially amounts to the same blindness—a blindness Razack so passionately criticizes.

This chapter examines the connection between the communicating provision and violence against women in Winnipeg's street sex trade.² The following central research questions have guided this chapter: What are the gender, race, and class dimensions of this provision? What is the relationship between the communicating law (*Criminal Code* section 213) and violence against women in Winnipeg's street sex trade? And does the communicating law assist in the perpetration of violence against women in Winnipeg's street sex trade, resulting in failure on the part of the state to protect them?

A number of reports have examined section 213 of the *Criminal Code* but few studies incorporate gender, race, class, and history into their analysis. Furthermore, with the exception of Augustine Brannigan, Louis Knalfa, and Christopher Levy's (1989) Department of Justice report, Winnipeg specific studies are non-existent. This chapter attempts to fill these gaps. I

argue that the communicating law is a gendered, raced, and classed provision. Furthermore, it has contributed to violence against women and two-spirited identified women in Winnipeg's street sex trade, resulting in a failure on the part of the state to protect them.

As previously discussed, the communicating law was enacted in December of 1985. It “prohibits communicating in a public place for the purposes of buying or selling sex” (Lowman 1998, 1). While adult sex trade work is technically legal, communicating for the purposes of prostitution is not. The aim of the communicating law, when passed, was to reduce the visibility of street sex work, and respond to perceived nuisances (such as increased traffic, litter, and its impact on businesses) associated with it (Prenger 2003, 5). Since enacted, this provision has been intensely scrutinized. Academic and government funded reports have repeatedly demonstrated that it has not achieved its objectives. More concerning, however, is the discriminatory nature of the law, as well as the violent atmosphere it has nourished.

This chapter is divided into three parts. I begin by historicizing the discussion. Here I utilize Razack's analytical framework to unmap the communicating law. This exercise enables me to name the social order that is codified into and reproduced by laws predating this provision. I demonstrate that laws preceding section 213 of the *Criminal Code* were gendered, raced, and classed. Second, I examine whether the communicating law continues to discriminate. Third, I draw on participants' concerns and examine whether the communicating law has compromised their safety and contributed to violence against them. I close by summarizing the findings of this chapter.

The Evolution of the Communicating Law: A Discriminatory History

In liberal democratic states, inequalities embedded within the fabric of society tend to be codified into and subsequently reproduced by the law. David Theo Goldberg writes: “The law

regulates the processes of social formation it reflects” (2002, 145). According to him, the law “promotes identities and meanings, and it offers a medium in and through which identities and meanings circulate” (2002, 146). Razack insinuates that systems of domination (patriarchy, capitalism, white supremacy, and heterosexism) and legal provisions work in tandem. Specifically, the dominant gendered, racial, classed, heterosexual, and resulting spatial order of society gives rise to law. The oppressions and norms within the social fabric of a society are thus inevitably transmitted into provisions. Laws, in turn, reproduce the dominant social order. Explaining this dialectical phenomenon Mari Matsuda succinctly states that law “is both a product and promoter of racism” (qtd. Aylard 1999, 30). It is, I would add, also a product and technology of gender, class, sexual, and colonial relations. Unmapping the communicating law’s evolution demonstrates this.

Laws regulating street sex work have always been gendered, and have sustained and reproduced a particular patriarchal social order. Jill Prenger asserts that, “The history of the communicating provision clearly shows how prostitution legislation was once directed solely at women” (2003, 8). Leslie Anne Jeffrey and Gayle MacDonald write: “the law [section 213] is historically rooted in the gender system that denied women sexual independence and instead viewed her as the property of men” (2006, 110). In addition, laws regulating the street-level of the sex trade have, historically, been raced and classed.

Vag C - Section 164 (I)(c) of the Criminal Code

The first Canadian law regulating prostitution, Section 164 (I)(c) of the *Criminal Code*, was patriarchal and had colonial origins. Commonly referred to as ‘Vag C’, this provision was imported from Britain’s nineteenth century vagrancy laws. Enacted in 1892, Vag C stated: “Every one commits vagrancy who, being a common prostitute or night-walker is found in a

public place and does not, when required, give a good account of herself” (qtd. in Brock 1998, 27).

Similar to the communicating law, the overt objective of section 164 (I)(c) was to control the street sex trade and nuisances associated with it. However, it clearly discriminated against women: it was aimed at female sex workers, and not their clients, and falsely assumed that all sex workers were women. In addition, Vag C served a number of covert purposes. It curtailed women’s freedom by regulating their movement; established appropriate and inappropriate spaces for women to occupy; and constructed social norms around female sexuality and gender relations. Jeffrey and MacDonald observe that, “The law’s function was not to protect women from violence, sexual or otherwise . . . but to discipline women into maintaining their chastity or fidelity” (2006, 110).

Goldberg reminds us that in racist states, laws can sustain a particular racial order by excluding some populations from legal application (2002, 143-144). He writes: “Colonized contexts often rendered the subjected population inherently unqualified for protection by application” (2002, 143). While the colonial government of Canada sought to establish female sexual purity and domesticity, it simultaneously condoned, and actively participated in, the sexual exploitation of Indigenous women. As previously discussed, Razack reports that, “Oral narratives of late-nineteenth-century Lakota women suggest that the NWMP [North-West Mounted Police] had easy sexual access to Aboriginal women whose families were starving” (2002b, 131). During the late 1800s, Reverend Samuel Trivett, a missionary on the Blood Indian Reserve located near Fort Macleod, Alberta, stated: “White men came onto the reserve . . . bought the girls, and when they grew tired of them, turned them out as prostitutes onto the streets of Macleod” (Trivett qtd. in Gray 1986, 12-13). Public officials, and later racist historians and

scholars, framed Indigenous females as promiscuous and stereotyped their parents and communities as irresponsible. As a result, violence perpetrated by settlers and colonial officials has been erased from dominant history. Furthermore, the hypocritical approach to female sexuality indicates that, during the nineteenth century, the colonial Canadian state deemed some bodies more expendable and less valuable than others. As Razack observes, and as I have argued, colonial attitudes continue to prevail (2002b, 135).

In 1970, the Royal Commission on the Status of Women (RCSW) reported that Vag C “restricted the freedom of women in public places” (Brock 1998, 27). The RCSW further noted that women were charged “not for what they do but for what they are considered to be” (RCSW Report qtd. in Brock 1998, 27). The law was repealed in 1972 because it discriminated against women, and “criminalized the *status* of being a ‘common prostitute’ rather than a tangible act” (Lowman 2005, 4; emphasis in the original).

The Soliciting Law (Criminal Code section 195.1)

The soliciting law (*Criminal Code* s. 195.1) replaced the vagrancy law.³ Like Vag C, the soliciting law aimed to reduce the visibility of, and nuisances associated with, the street sex trade. On the surface, the soliciting law appeared to be gender neutral. However, a deeper analysis reveals that the gender discrimination inherent in the former law was transmitted to the new provision. Prenger observes that, “formal equality, by gender neutrality in law, can still obscure very real social and economic realities that lead to substantive inequality” (2003, 8). Similarly, Goldberg declares, “neutrality of law is no guarantee of equal treatment” (2002, 145).

Commenting on the soliciting law, Brock succinctly asserts:

The statute . . . accommodated formal equality rights before the law, while doing nothing to recognize that discrimination against women runs much deeper than distinctions between female and male behaviour in the expressed intent of legislation. Politicians who supported the statute did not question why women became prostitutes in the first

place, or the of role prostitution legislation, gender neutral or not, in regulating women on the streets. A gender-neutral statute could not significantly alter the *application* of the law, and as time would tell, it continued to be overwhelmingly women who were arrested by police and prosecuted by the courts, while some judges refused to even recognize that the solicitation legislation could apply to male customers. (1998, 30; emphasis in the original)

Instead of scrutinizing the continuation of gender discrimination, the legal community battled with the definition of “soliciting”. In 1978, the Supreme Court ruled in *Regina v. Hutt* that soliciting had to be “pressing and persistent,” (qtd. in Lowman 2005. 4) and had to be “directed towards a single potential customer and could not consist of an accumulation of advances toward different potential customers” (qtd. in Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 39). Brock observes that, “The *Hutt* decision had not overturned the existing legislation; rather it had made it much more difficult to enforce” (1998, 45). Subsequently, politicians, police, and community groups attributed the ruling to increasing the street sex trade.

The increase in the street sex trade was not a result of the *Hutt* decision. Lowman notes that, “street prostitution spread prior to the 1978 Supreme Court ruling” (Lowman 2005, 4). In fact, the Canadian state’s desire to maintain a patriarchal, heteronormative sexual social order partially explains why street work increased. Beginning in the late 1960s, the hegemonic sexual order was challenged. During the post World War II period, sexual liberation politics, capitalism, and the commodification of sex threatened traditional concepts of family, conjugality, and heteronormative sexuality. Brock writes: “In the decades following the Second World War, Canada’s economic growth brought with it sweeping social and political changes. The realm of the ‘sexual’ was in the process of renegotiation, and the Canadian state was forced to take an increasingly active role to maintain its hegemony in the face of movements for social and sexual liberation” (1998, 5). In major cities across Canada, indoor sex operations were shut down.

Businesses were raided and license fees required for operating massage parlours steeply increased (Brock 1998, 31-43). This, coupled with a rise in female poverty (Brock 1998, 44), resulted in “substantial increases in street prostitution . . . in major Canadian cities” (Lowman 2005, 3).

In 1983, the federal Canadian Department of Justice established the Fraser Committee. The purpose of the Committee was to investigate legal and social issues related to sex work. In 1985, the Committee released their study. Their report criticized the contradictory nature of prostitution laws. It also argued that, under certain circumstance, adult prostitution should be legal.⁴ The Committee was silent about colonialism and racism. However, Lowman points out that the Fraser report was significant because it addressed the interconnection between gender and class inequalities: “[the Fraser report] argued that all levels of government should work together to remove the economic and social inequalities between men and women, ensure that there are adequate social programs for women and youth in need, develop programs for people who want to exit prostitution, develop education programs, and so on” (2005, 5).

Instead of incorporating the recommendations put forth by the Fraser Committee, the government dismissed the Committee’s suggestions and ignored its substantive approach to equality. Shortly after the release of the report, the communicating law was enacted. It was in this legal setting that violence against street sex trade workers began to increase.

Thus far, I have argued that Vag C, the first law regulating the street sex trade, clearly discriminated against women. In addition, I have asserted that Vag C discriminated on the basis of race. The state advocated sexual purity for some women. Simultaneously, the government acquiesced to the sexual violation of others. As such, certain women in Canadian society were marked as disposable, and were not protected by the law. Despite revisions, the soliciting law

continued to be gendered. Its formal approach to equality failed to recognize systemic discriminations, and the application of the law continued to target women.

The Communicating Law: Reproducing Discrimination

A Gendered, Classed, and Raced Provision

A gendered, raced, and classed social order continues to be reproduced by the communicating law. Gender discrimination persists. In 2006, 113 sex trade workers in Winnipeg compared to 48 sex trade consumers were charged with communicating for the purposes of prostitution (Winnipeg Police Annual Report 2006, 12). In comparison to female sex workers, male customers charged under this provision are more likely to have their charges stayed (Prenger 2003, 4). Clients' cases have a greater likelihood of being dropped, and male customers are more likely to be found not guilty of committing a communicating offence (Prenger 2003, 4). In Canada, between 2003 and 2004, 68 percent of women charged under section 213 were found guilty. In contrast, 70 percent of communicating charges against men were stayed (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2003, 52). Furthermore, women charged under this provision are more likely to be imprisoned. In Canada, between 2003 and 2004, 92 percent of individuals imprisoned under section 213 of the *Criminal Code* were female (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 53). Nearly 40 percent of women street sex workers charged under section 213 were given prison sentences (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 53). A mere 5 percent of men convicted under the same provision were imprisoned (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 53).

Because women make up 75 to 80 percent of all street sex workers in Canada, it could be argued that their overrepresentation as sex workers results in higher conviction and incarceration rates (Kingsley, Krawczyk, and Mark 2000, 28). However, this claim eliminates the role clients have in sexual transactions. Commenting on the excessive criminalization of female street sex workers, Prenger states that, “This pattern is odd when considering that a working prostitute may have 3-6 customers a day” (2003, 4).⁵

In addition to being gendered the communicating law results in discrimination on the basis of class. This provision primarily criminalizes economically disadvantaged women. While not all street sex workers experience poverty, many do. This is particularly the case in Winnipeg. Despite their economic instability, the police predominately target the street-level of the sex trade. In Canada, in 2005, over 90 percent of sex work related offences reported by police fell under section 213 of the *Criminal Code* (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 9).⁶

Furthermore, section 213 of the *Criminal Code* upholds capitalism. Specifically, it is used to protect private property and businesses. As such, spaces of privilege and poverty are patrolled, created, and enhanced. Jeffery and MacDonald point out that street sex work “poses a risk to [a] fundamental principle of middle-class life: the sanctity of private property” (2006, 112). Communities and businesses with social connections and financial power have effectively been able to drive street work out of their neighbourhoods. For example, in the early 1980s, community groups in Vancouver mobilized, and successfully pressured politicians and the police to address prostitution in their area (Lowman 2000, 16). These campaigns resulted in the displacement of prostitution. Street sex workers were moved from middle-class residential areas

to the economically disadvantaged neighbourhoods in the Downtown Eastside of Vancouver (Lowman 2000, 6). Thus, spaces of privilege and poverty were maintained.

Because class is interconnected with race, Section 213 of the *Criminal Code* negatively impacts certain segments of Canadian society. As previously discussed, in Winnipeg, it is estimated that 70 percent of individuals in the street sex trade are of Indigenous ancestry (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 12). Prostitution Alternative Counseling and Education (PACE) reported that Indigenous women were significantly over-represented in Vancouver's street sex trade (Amnesty International 2004, 22). Past and present colonial violence, as well as gender, class, and racial oppression, explain these statistics.

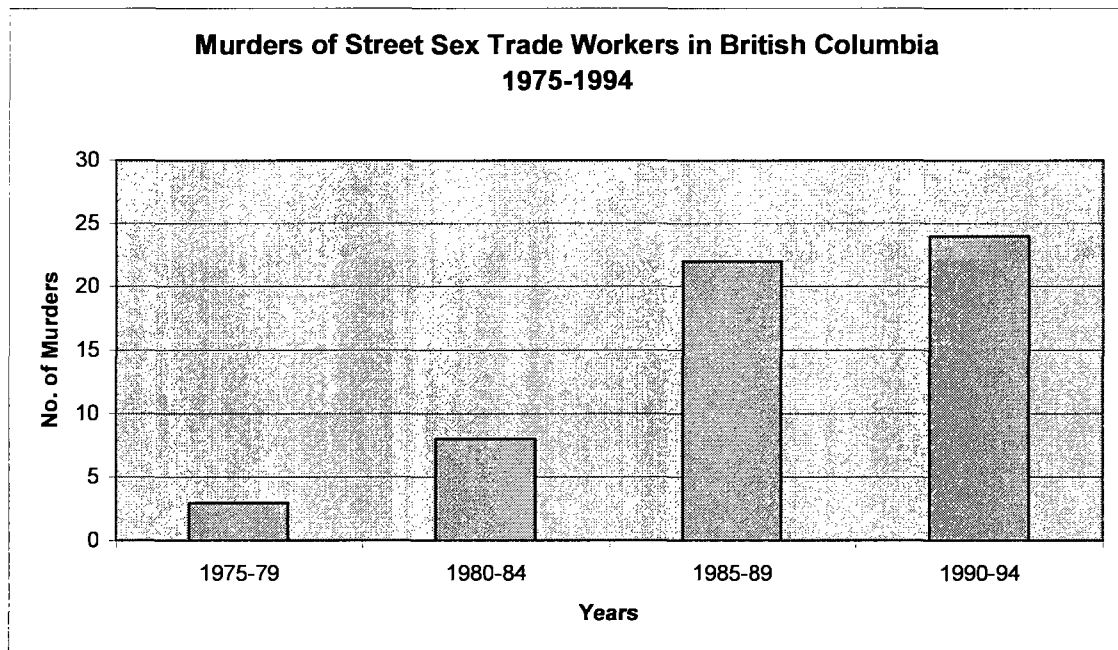
Indigenous peoples are over-policed and under-protected. Amnesty International reports: "Across the country, Indigenous people face arrest and criminal prosecution in numbers far out of proportion to the size of the Indigenous population" (2004, 30). Statistics about conviction and incarceration rates for Indigenous women charged under section 213 of the *Criminal Code* are non-existent. However, over-representation in the street sex trade, racial profiling by police, and individual and institutional racism within the judicial system suggest that Indigenous women are more likely to be charged, convicted, and imprisoned under this provision. As such, a particular racial order is reinforced.

The Communicating Law—Nourishing Violence

Bearing in mind the fact that the communicating law negatively implicates economically marginalized, and often racialized women who already experience systemic violence, I assert that this provision has decreased women's safety in Winnipeg's street sex trade and has further contributed to violence against them. Since the enactment of section 213 of the *Criminal Code*,

violence against individuals working in the sex trade has increased. This is apparent in the Winnipeg context. From the late 1980s to the present there have been, at minimum, twenty-one recorded unsolved murders of women and transgenders in Winnipeg (*CBC* September 6: 2007). Lowman's research reveals an obvious rise in the murders of British Columbia sex trade workers following the enactment of this law (see Table 1). Between 1975 and 1979 three British Columbia sex trade workers were murdered and from 1980 through to 1984 eight murders occurred. Following the 1985 enactment, the rise in murders is apparent. From 1985 to 1989 twenty-two murders occurred and from 1990 to 1994 there were twenty-four (Lowman 2000, 4). Murders are "just the extreme end of a continuum of violence" (Lowman 2000, 19). In addition, "the number of reported cases involving customer assaults of prostitutes began to increase in 1985" (Lowman 2000, 18).

Table 1



Quantitative data are useful. This project utilizes statistics to shed light on perpetrators and the nature of violence. However, overreliance on data, particularly in relation to women working the streets (versus statistics about perpetrators who commit crimes), has serious limitations. Iona, one of the participants in this study, brought this to my attention. Statistics erase distinct identities and experiences, usurp agency by silencing voices, and disqualify particular knowledge. This supports and perpetuates dominant stereotypes that depict individuals who sometimes support themselves on the streets as powerless and subhuman. Iona is a two-spirited artist, activist, and student. She is involved in a variety of community organizations in Winnipeg. Reflecting on the translation of sex workers and their experiences into numbers, Iona said the following:

They're just another statistic and that's nobody, you know? That's what they think of us, us sex workers. . . . We're just a statistic. You know? We're just another hooker or a wasted life, and this is how people see it. The majority of people don't realize who we are. We are people just as them. We breathe the same air as them and we're no different.

The following section aims to disrupt this quantification and erasure which has been so prevalent in media and public discourse by drawing on participants' insights about the conditions in which they work and the impact of the law. Their comments demonstrate that the communicating law has forced them into marginalized spaces, assists perpetrators in committing crimes, and has further enabled violence to occur with impunity. As a result, the communicating law upholds a particularly disturbing violent, hierarchal order that results in the endangerment of individuals in Winnipeg's street sex trade and the protection of the perpetrators.

In conjunction with the dominant gendered, raced, classed, sexual, and spatial social order, the legal order the state has established has created an atmosphere in which violence against women in Winnipeg's street sex trade can "flourish" (Lowman 1998, 18). The

communicating law increases violence in a number of ways. First, to avoid charges, participants who took part in this study stated that they are forced into isolated industrial areas. As a result, their safety and lives are compromised. Citing the legal context in which she and others operate, Casey, a Caucasian female participant who was outspoken about the law and justice system, said: “That’s what makes a lot of girls go into the darkness because they don’t want to be caught and seen by the police.” Iona commented on the environment in which she works:

The industrial areas are the most dangerous parts and that’s where you’d experience violence most likely, is [in] the industrial area because nobody can hear anything, nobody can see you. You know? You’re fucked if you’re in an industrial area. So I risk my chances every night that I go in the industrial areas that I work because I can be murdered anytime, without anybody even realizing or knowing. Yeah, I’d be another statistic of a missing person.

Shelby, a Caucasian transgendered participant who can diagnose a car problem on the spot and enjoys clubbing on the weekends, remarked:

Most of us work at night, something that helps some but doesn’t help kind of thing. You know? I mean it helps us to kind of stay out of the public eye a little more but, unfortunately, that works both ways. It also helps, you know, the “johns”, if you will, to also stay out of the public eye and not get seen for what they’re doing, you know, with the violence and stuff, and with, you know, the general pickups and stuff.

Casey, Iona, and Shelby’s comments are echoed in the 2006 report produced by the Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws (see also Jeffrey and MacDonald 2006, 109). During the Subcommittee’s consultations “a number of witnesses indicated that the enforcement of section 213 of the *Criminal Code* forced street prostitute activities into isolated areas” where clients were granted anonymity, and community services and access to police were limited (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 63). As a result of displacement and increased enforcement of the communicating law, Lowman reports that women working in the Downtown Eastside of Vancouver “were spread out over a five-block area, standing in

poorly lit back alleys, and usually working alone” (2000, 7). He suggests that misogynist individuals are more apt to target women working in secluded locations.

Second, a prominent theme to emerge from women’s narratives was their heavy reliance on intuition to assess potential clients and the overall safety of the circumstance. Krystle said: “If the sense go off that there is the potential for danger then I wont go with them.” Similarly, Molly remarked, “If you get that feeling, like you just don’t get in that car.”

The communicating law places a limit on price and service negotiating times. This impedes individuals’ judgments. According to Prenger if street sex workers were granted more time they would be able to “test prices and test their instinct for potential harm” (2003, 6). This finding is consistent with Jeffrey and MacDonald’s research undertaken in Halifax (2006, 109). Similarly, street sex workers consulted by the Subcommittee on Soliciting Laws placed a high value on negotiation time because it allows them to critically examine possible customers (2006, 65). They also claimed that section 213 of the *Criminal Code* eliminated their power to establish a price and service. To avoid charges, sex workers explained that they let clients communicate the price and service (2006, 65).

Third, punishments resulting from being convicted for communicating for the purposes of prostitution have a number of harmful implications. Fining economically disadvantaged individuals results in further marginalization. Belinda, a Halifax woman who took part in Jeffrey and MacDonald’s study, points out the irony of the legal system when she says: “what didn’t make sense to me, I even asked the judge, if you’re gonna give me a fine – the most I had to pay was \$330 – where does he suspect I’m gonna get this money to pay him? . . . I asked my lawyer to ask the judge, when I come to pay that clerk that \$330, who’s gonna [arrest] that clerk for living off my avail?” (2006, 114-115).

In addition to fines, curfews and area restriction are commonly placed on street sex workers convicted under section 213 of the *Criminal Code*. Boundary rules impinge on women's freedom of movement. Furthermore, Jeffery and MacDonald point out that area restrictions isolate street sex workers from friends, family, services, and outreach organizations thereby severing them from a community (2006, 115-116). Jody stated that enforcement has caused women to be dispersed throughout Winnipeg's inner city and beyond. She said:

When you get arrested for purposes of prostitution you can't go back to that area until your court case is over. They just move into another side of the city. Just move to another area.

Commenting on these penalties, Prenger writes: "Curfew restrictions and area restrictions displace prostitutes into unfamiliar and dangerous environments, and fines do not deter prostitutes from returning to . . . the sex trade" (2003, 4). Finally, criminal records resulting from communicating offenses can discourage, or negatively impact, entry into the mainstream workforce.

Fourth, Laura Fraser and John Lowman's 1996 report for the Department of Justice Canada suggests that the communicating law has increased the antagonism between street-involved women and the police (1996; see also Lowman 2000, 21). Jeffrey and MacDonald claim that, "Police are structurally positioned . . . to approach the sex worker as a problem for the community that the police must address, rather than treating her as a citizen to whom they are responsible" (2006, 112).

The relationship between police and women in the street sex trade in Canada in general, and Winnipeg in particular, is already fragile. As argued in Chapter Three, systemic racism and colonial attitudes exacerbate misgivings. Police brutality against street sex workers has been extensively documented (Canadian National Coalition of Experiential Women 2006, 20-21;

Jeffrey and MacDonald 2006, 129-130 and 133-135; Prenger 2003, 3). The communicating law further amplifies mistrust. As a result, women are deterred from reporting violence. Lowman articulates the disturbing paradox street sex trade workers face when he posits the question: “Why would prostitutes turn to the police for help when the police are responsible for enforcing laws against prostitutes?” (2000, 21).

The fragile relationship between the Winnipeg Police Service and the women whom I spoke with was evident. In addition to racism, a number of participants specifically reported that the police looked down on them because of their stigmatized quasi-criminal status. As such, participants said they would not turn to the police for assistance if they encountered violence. For instance, Patty, a two-spirited artist, said:

I think the cops just don't understand a lot about the sex trade. So I don't think I would run to them. That wouldn't be my first decision. . . . Because there's a lot of police that look down on you too because of, you know, you're a hooker, right?

Shelby stated:

I mean I'd feel more comfortable putting it in the “bad date” sheets as opposed to talking to the police because the police just make you feel worse. It doesn't seem like they really want to do a whole lot about it. It's almost like they're looking at you as if it was your fault this happened.

Echoing the disturbing paradox Lowman articulated, a number of participants said the potential of being charged for communicating has deterred them from reporting violent incidents to the police. Dominique, a Caucasian woman and former radio host, experienced an extremely violent attack. The police approached her and asked her to report it but she chose not to for fear of being charged: “I just clammed right up. I didn't want to say anything because I didn't want to incriminate myself.”

A significant number of participants said that when they have reported assaults perpetrated against them the police have dismissed their allegations. Violet, an Indigenous female inner city resident who volunteers at a local Winnipeg community organization, said:

I went outside [after outsmarting a perpetrator who was holding her against her will] and I called the cops but they couldn't do anything because of the nature I guess of how we meet. They didn't do anything. They just drove me back to where, to my part of the neighbourhood.

In a slightly different scenario, Haley, a Caucasian female film producer who utilizes art as a form of resistance, remarked: "Like we've tried to flag them [the police] down when somebody's been bothering us and they just drive off."

Three participants said that when they have gone to the police the police have not only dismissed allegations but they have threatened to or have actually charged them for communicating for the purposes of prostitution. Sherry said:

If the prostitute does phone cops they're gonna charge you for prostitution anyway, regardless of if you got raped or not. Yeah, so it's pretty pathetic. They charge you for prostitution, they let the john go, and they keep you. Yeah, 'oh you got raped but you were prostituting'.

Haley told the following story:

You can't go to the cops 'cause they really don't care, really. Really they don't. Like I had, I called the cops to a bad date and then they told me they'd charge me, that they could be charging me. So they didn't press charges against him. They just drove me back into the inner city, dropped me off, and told me that I should be grateful 'cause they could be charging me, because I told them that he picked me up in exchange for money.

Shelby commented:

If you report them then you end up getting, you know, charged for prostitution. So I mean it's kind of a lose-lose situation, kind of thing. I mean that's why they get away with it. The one [attack] where I was hospitalized I reported it and, unfortunately, I do have some, some criminal record from it as well. Well because you're pointblank admitting that you were, you know, out there selling yourself, so I mean, you know, I can see their [the police's] point too that they're trying to get us to quit so that's why they charge the girls and get, you know, charge everyone for it. But when you're in a situation like that where you were attacked for, you know, this happened kind of thing, it just doesn't seem right that they should charge you on top of it and make it worse.

You know? You just got out of the hospital and you're trying to get better and also you've got these charges you have to go for.

These are not isolated incidents. Participants who took part in the Canadian National Coalition of Experiential Women's study (2006, 20-21) as well as Jeffrey and MacDonald's (2006, 133-135) research discussed being charged after reporting an assault.

Fifth, section 213 of the *Criminal Code* enhances sex workers already marginalized status. This is particularly true for racialized women in the street sex trade. The communicating law frames prostitutes as criminals rather than citizens. Sex trade workers' marginalized status has enabled perpetrators to justify violence. This had led Lowman to state that, "some men are more easily able to rationalize violence against a 'prostitute' because of her moral-political marginalization than against other women" (2000, 21). When discussing why she thought perpetrators commit violence, Sherry remarked: "They [perpetrators] feel they have the right to treat us this way because we can't go to the cops anyways." Shelby said: "They [perpetrators] just figure they can get away with whatever they want to because you can't report them to the police." Krystle made the following telling comment:

Johns looks at us and says, 'well you're not respected', but then the rest of society says nobody's going to damn well care if I smack you around because to everybody else you're nothing. You're the lowest of the low. They're not going to be having a big community rally just to come to your defense. You know? Take up arms and write all the politicians, change all the policies. They're not going to do any of that just because your life has been take out of the picture, all because you're a sex trade worker.

Violence can be inflicted in a number of ways. For example, Lowman discusses the relationship between verbal abuse against street workers and physical violence inflicted upon them. He has traced the "discourse of disposal" advocated by community groups, police, and politicians seeking to eradicate sex trade workers from their area and has linked it to the rise in physical violence. Lowman persuasively argues: "the discourse on prostitution of the early 1980s dominated by demands to 'get rid' of prostitutes created a social milieu in which violence against

prostitutes could flourish. . . . [I]n the context of this *discourse of disposal*, customers of street prostitutes no doubt found it easier to justify a violent resolution to any conflict that might occur during the course of the transaction” (1998, 19; emphasis in the original).

Stigmatization has led to inadequate investigations into cases of missing and murdered women. As mentioned, there are over twenty unsolved murders in Winnipeg. Edmonton police are investigating over twenty unsolved murders over the last two decades. Since 1997 nearly a dozen bodies of women in fields around Edmonton have been found (*Globe and Mail* April 18, 2005, A9). In British Columbia, the last two decades have seen over sixty women disappear, some, but not all, worked in the street sex trade. State response to cases in Winnipeg, Saskatoon, Edmonton, and Vancouver has been slow, and sometimes sloppy. It is likely that street sex trade workers’ marginalized moral and legal status has resulted in inadequate investigations. Institutionalized racism further stigmatizes some individuals.

Neo-liberal discourse that focuses on “lifestyle” is commonly used to explain victimization. For example, the Winnipeg Police Service website states that, “investigations are often hampered by the *lifestyle* of prostitutes as their activities immediately prior to their death are hard to establish and previous customers are not likely or willing to step forward with information” (Winnipeg Police Services Unsolved Homicides Therena Silva, 2006; emphasis added). In 1999 the Vancouver Police Department, in response to the alarming number of women who had disappeared from the Downtown Eastside, stated that many street-involved women purposely go missing and, due to their transient lifestyle, they are often hard to locate. Then Vancouver Mayor Owen “said that because there was no evidence of a serial killer being involved, the municipal authorities were not prepared to fund a ‘location service’ for prostitutes” (2000, 10). “Lifestyle” rhetoric erases the state’s active role in contributing to and perpetuating

violence (Roy 2005, 21-23). Murders and assaults of sex trade workers are rarely depicted as violence against women, or in the case of girls, paedophilia. Understandably, nearly all participants had internalized lifestyle rhetoric and the notion that “violence simply comes with the streets”. As a result, they blamed themselves and not the perpetrators or the state for the violence they encountered.

Colonialism continues to prevail in the Winnipeg context and the communicating law further marginalizes racialized women by exacerbating their already stigmatized status. As previously mentioned, Warren Goulding and Sherene Razack observe that institutionalized racism against Indigenous women has led to inadequate police investigations, insufficient charges against perpetrators, and a widespread indifference towards the victim of the crime (Goulding 2001, 135-219; Razack 200b). Razack writes that colonial assumptions “often appear to be operating when the police fail to respond to the disappearance of Aboriginal women, citing their involvement in prostitution and their practice of moving from place to place. . . . Ironically, it is their very dispossession that is held against them when Aboriginal women encounter violence on the streets” (2002b, 135-136).

Finally, the overall purpose of the communicating law is questionable. Lowman claims: “After twenty-eight years of studying prostitution in Canada, I do not know what the overall goal of that law [the communicating law, *Criminal Code* s. 213] is” (2005, 7). Academics and government-funded reports have demonstrated that this provision has not achieved its intended objectives. Furthermore, nearly all studies claim that the communicating provision has done more harm than good. But in any event, a major consequence of the communicating law is to sustain and reproduce a hierarchal gendered, raced, classed, and spatial order. As Goldberg points out, “there is a subtle sense, then, in which modern liberal legality is indiscriminate,

deeply committed to both a specific ordering of social relations and to the denial of such commitment” (2002, 141). As participants’ articulated, this order has decreased their sense of safety and control and has assisted in the perpetration of violence against them.

Recommendations and Closing Remarks

The objective of this chapter was to find answers to the following questions: What are the gender, race, and class dimensions of section 213 of the *Criminal Code*? What is the relationship between this provision and violence against women in Winnipeg’s street sex trade? And does the communicating law assist in the perpetration of violence against women in Winnipeg’s street sex trade, and result in a failure on the part of the state to protect them?

I have argued that section 213 of the *Criminal Code* is inherently flawed. Laws regulating the street sex trade have, historically, been gendered, classed, and raced. The communicating law reproduces various forms of oppression that were embedded in Vag C and the soliciting law. Furthermore, in a number of ways, the communicating offence has endangered women in Winnipeg’s street sex trade and has contributed to violence against them. Economically disadvantaged women are negatively affected. As a result of past and present colonialism, and intersections between gender, race, and class, this provision disproportionately impacts Aboriginal women. Thus, women who are already targets of systemic colonial violence and dehumanizing perceptions are further marginalized by the law.

The state has failed to protect a significant portion of Canadian society. Commenting on recent murders of women, Lowman asserts: “The communicating law [section 213 of the *Criminal Code*] played a pivotal role in increasing a social and legal milieu that facilitated . . . homicides” (Lowman qtd. in Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 63). He further states that, “Canadian prostitution law

puts lower-echelon sex workers at risk” (2006, 63). Therefore, section 213 of the *Criminal Code* must be immediately repealed.

For decades, sex workers have resisted the law. A constitutional challenge against the communicating law is currently underway in Canada. In the concluding chapter I critically reflect on organized resistance against the communicating law. I also discuss what grassroots organizing is being undertaken in the Winnipeg context and I outline recommendations put forth by participants. These suggestions relate to gaps in community services, the law as well as systemic violence.

Notes:

¹ Taken from the Quotation Page (2007, Mohandas Gandhi Quotes).

² This chapter builds on a previous paper I wrote during my M.A. course work (Seshia 2007).

³ The soliciting law (*Criminal Code section 195.1*) stated: “Every person who solicits a person in a public place for the purposes of prostitution is guilty of an offense punishable on summary conviction” (Lowman 2005, 4).

⁴ Some of the recommendations made by the Fraser Committee included the replacement of “the bawdy house offence by a provision that allowed the use of premises for the purposes of prostitution,” and the subsequent licensing of these establishments (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 41). In regards to the street aspect of the sex trade, the Committee suggested that a “new offence involving repeated disturbances by pedestrians or motor vehicles for the purposes of prostitution” should be enacted (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 41).

⁵ In comparison to other laws regulating the sex industry, the communication provision is easier to enforce. Street workers and their clients are more visible. As well, this provision is complaint driven (Jeffrey and MacDonald 2006, 113). In regard to stings, police state that it is safer to have an undercover police officer posing as a client versus an undercover police officer posing as a sex worker. Thus, sting operations tend to focus on street workers (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 54).

⁶ I am aware that the communicating law punishes low-income customers. Jeffery and MacDonald observe that, “wealthier men, who can afford escort or massage services, are less likely to be caught” (2006, 128). Atchison and Lowman note that numerous studies “suggest that communicating law enforcement captures men mostly from the lower socio-economic segment of the prostitution trade” (2006, 283). Because class is interconnected with race and racialized and lower-income men are over-policed Jeffrey and MacDonald and Atchison and Lowman’s comments are concerning. Despite this finding, Atchison and Lowman’s research reported that white men comprised that majority of men in John schools (2006, 128). Other studies they cited in their paper outlined similar results.

Chapter Five

Current Organizing, Recommendations, and Reflections

Introduction

In this thesis I have argued that systemic colonial perceptions coupled with the communicating law, an inherently gendered, classed, and raced provision, has contributed to violence against women and two-spirited identified women in Winnipeg's street sex trade. In this chapter I outline what organizing strategies are currently occurring in the Winnipeg context to ameliorate this violence. Drawing on participants' recommendations, I also discuss what additional initiatives could be undertaken. The following questions have guided this chapter: What community-based solutions, structural changes, and policy strategies are being undertaken to address violence in Winnipeg's street sex trade? And what additional strategies could be taken?

The chapter is divided into three parts. First I describe organizing efforts being undertaken in Winnipeg. Here, I discuss how participants themselves are strategizing around this issue. Following this I describe the efforts of a recently formed Winnipeg-based grassroots coalition. Second, I outline a number of solutions put forth by participants. Specifically, I briefly discuss recommendations relating to community service gaps, the law, and systemic violence. I conclude by critically reflecting on this project. Here I outline the challenges I have encountered when undertaking this work. I also discuss how I envision extending this research.

Current Organizing in Winnipeg

Resistance from the Bottom-Up

As I hope has been apparent throughout this project, the women who took part in this study did not lack agency. They engaged in their own acts of organizing and resistance. Beyond being involved in inner city community organizations and a variety of activist initiatives in Winnipeg,

participants described how they themselves were organizing and resisting violence perpetrated against them.

Utilizing art as a form of resistance and empowerment was a key theme intertwined into stories. Krystle and Molly engaged in resistant poetry writing and Iona talked about her involvement in an Indigenous women's art collective in Winnipeg. Casey said, "I have so many ideas in my head, like through art." She detailed an interactive educational art installation she is working on.

In addition to art, participants engaged in a number of resistant strategies that centred around their family and friends. Sam is an Indigenous inner city community member, volunteer, and loyal sibling. She described how she resisted systems of domination, like economic inequality, affecting her family. Sam did so by rejecting liberal values of individualism. For example, as soon as she took possession of her new apartment she told a few close relatives who did not have a safe home that they could stay the night at her place: "last night I said to her [Sam's cousin] I have a place now. If you're too tired and you don't want to stay outside you can come stay at my house." Sherry also discussed organizing strategies she undertakes to resist violence. Specifically, she communicates with other women working the street, informs them about perpetrators, and though she did not elaborate, it appears she has her own support network. Sherry also engages in acts of consciousness-raising, particularly in regards to gendered racialized violence:

I've always said to the women, and they think about it, the most disposable people in Canada are Aboriginal women who, who are sex trade workers. And when they think about it and it kind of [snaps fingers] wakes them up a bit. 'That's not true [they say]'. I say, 'Oh yes it is. It's true. Honestly.' And then hit them with that. I don't know how it affects them but maybe, I don't know.

Within the transgender and two-spirited community, women resist mainstream society's exclusion by forming a family-like network with each other. Jody said, "We support each other."

Similarly, Krystle remarked, “We’re our own monitoring system. We start from our own circle, our own little circle.” Shaila, a long-time activist around transgender and two-spirited women’s issues, commented:

We consider ourselves family. ‘Cause, say, the biological family we had didn’t or the mainstream society didn’t accept us, and the job searching society didn’t accept us, so our lives had to depend on something.

In the context of street violence, women did not passively accept stereotypes and violence.

Participants discussed “talking back” to people who disrespected them (Jeffrey and MacDonald 2006, 12). In respect to violence, Iona declared:

I’m not about to let people throw shit at me because I’m going to throw shit back at them. You know? I know when someone’s going to throw something and if they’re going to throw something then they’re idiots to go turn around somewhere and come back. I’m really good with cars. You know? Noticing cars and how they look and whatever. I’m really good with that. And you know what? They’re fucking idiots to come back the same way and try to yell or whatever. They’re getting something thrown right back at them. Like, you know? And I’m not about to let it happen anymore. I’m sorry.

Community Grassroots Resistance in Winnipeg

In addition to women’s own undertakings, grassroots organizations have been actively working to address various issues touched on in this project. In the fall of 2007, and in response to the murder of 17-year old Fonessa Bruyere, a handful of inner city organizations formed a coalition. The purpose of the coalition was to respond to gaps in services and violence against youth and adults in Winnipeg’s street sex trade. Nearly a year later, the coalition, which is lead by Indigenous women, has grown to include over thirty community organizations. In February of 2008 the coalition put forth a number of recommendations to the Manitoba provincial government. Some of these recommendations include funding a twenty-four hour drop-in centre, outreach positions, twenty-four hour safe house, and a healing lodge which would be located outside the city and would be run by a respected Elder.

The Manitoba provincial government has expressed commitment to the coalition's requests. The government originally stated that it would formally respond to the coalition's demands by June of 2007. This date was then shifted to the fall. As of November, the coalition has yet to hear back from the province. Women who took part in this study were outspoken about the government. Echoing the coalition's recommendations, Iona, Jody, Molly, and Casey cited the need for longer outreach services and a twenty-four hour drop-in centre. Iona, however, questioned whether the government would be willing to support these recommendations:

More outreach or a safe house that is open twenty-four hours is what I would like to see. But, unfortunately, it lands on government funding so governments sure wouldn't value funding that because, again, we're sex trade workers. A twenty-four hour safe house, twenty-four hour outreach. You know the government can fund so much but I think they should fund more.

Recommendations

In addition to more services and longer outreach hours, a number of recommendations were put forth by participants. In this thesis I primarily focus on the recommendations women advanced in respect to the legal context of sex work as well as systemic solutions.

Legal Context and Current Politics

In Chapter Four I discussed participants' concerns that directly related to the communicating law and the legal environment in which women worked. A number of women expressed the desire to have a safe space where they would not be criminalized. Haley, for example, said: "Having a safe place to go do dates. . . . Even a safe house to go do dates." Violet stated, "In my opinion, any city, town, whatever, needs a safe prostitution place." Sherry asserted, "I don't see the point of keeping it illegal." Casey remarked it would "probably be somewhat safer, not a lot, but somewhat" if the law changed.

The Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws reported that the current legal status quo pertaining to street prostitution is

unacceptable (2006, 86) Specifically, “the social and legal framework pertaining to adult prostitution does not effectively prevent or address prostitution or the exploitation and abuse occurring in prostitution, nor does it prevent harms to communities” (2006, 86). The Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws also noted that the communicating law unfairly penalized and marginalized low-income and racialized individuals (2006, 86). This finding is not new. A number of studies have demonstrated that the law has not achieved its objective and does more harm than good (Fraser and Lowman 1996; Lowman 1998; Prenger 2003).

Despite this repeated finding, the current federal government, the Conservative Party of Canada, does not endorse decriminalization (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 91). Members of the Conservative Party view all sex work as exploitative, and depict all sex workers as victims. They believe decriminalization will negatively impact women and communities (2006, 91). However, the Conservative Party has indicated that laws regulating the sex trade industry need to be altered. They call “for legal and social reforms which would reduce all prostitution through criminal sanctions that clearly target abusers (johns and pimps), and improve the ability of those engaged in prostitution – the victims – to quit” (Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws 2006, 91).

The Conservative Party’s position on prostitution is flawed. For one, the Conservative Party assumes all individuals in the sex trade are victims and want to quit. For another, the Party fails to address root causes that create survival forms of sex work. History has demonstrated that strategies premised on formal equality have failed to reduce prostitution. Unless the Conservative Party discards their formal conception of equality and replaces it with a substantive

approach that takes into account systemic inequalities (such as gender and racial discrimination), then their aim to reduce prostitution will not be achieved.

The radical feminist position reflects the Conservative Party of Canada's position. Specifically, radical feminists, such as Catharine MacKinnon and Andrea Dworkin, advocate for the decriminalization of sex workers and the continued or increased criminalization of sex consumers (1993, 1997). Ultimately, however, this position promotes the abolition of prostitution. In a report produced by Prostitution Alternative Counseling and Education Society, Leonard Cler-Cunningham and Christine Christensen outline a number of problems associated with the radical feminist stance. Foremost, they assert that, "Any maintenance of the system of quasi-criminalization will help only to perpetrate violence against sex workers" (2001, 98-99). Echoing this assertion Jody touched on the complications associated with the Conservative Party and radical feminist stance. When discussing why perpetrators commit crimes she said:

A whole bunch of those johns out there have been caught. [They] get sent to john school and then after that they're mad at their wives or at themselves or other girls on the street. They come back and take it out on us.

To date, "*Criminal Code* prostitution-related offence provisions have not been found to breach the *Charter*" (Prenger 2003, 7). Nonetheless, opposition to state-sponsored violence is growing. On Wednesday March 22, 2007, Terri Jean Bedford, Amy Lebovitch, and Valerie Scott launched a constitutional challenge against laws regulating the sex trade. They are arguing that the section 210 (the bawdy house provision), section 212(1)(j) (living off the avails), and section 213 of the *Criminal Code* are endangering their lives (Sex Professionals of Canada 2007, "Decriminalizing Sex Work Challenge"; *Edmonton Journal* March 22, 2007, A5). Specifically, the three sex workers' rights activists are asserting that these laws violate "section 7 of the Charter of Rights and Freedoms by depriving sex workers of their right to liberty and security in a manner that is not in accordance with the principles of fundamental justice" (Sex Professionals

of Canada 2007, “Decriminalizing Sex Work Challenge”). Increased resistance, coupled with the impact of the highly publicized trial of Robert William Pickton, may compel politicians, police, and the public to finally realize that something is seriously wrong with the law. Any decision regarding changes to the law should extensively involve street workers.

Systemic Violence and Solutions

The law clearly needs to be repealed but, as Razack asserts, the law cannot be our sole focus. It is interesting, indeed, to critically reflect on the demographics of the activists who are leading the constitutional challenge. Indigenous women who are active around this issue have not been included in the debate. Furthermore, the racialized nature of some of the violence has been written out of decriminalization discourse. As such, abuse is articulated as emanating solely from the law. For example, Scott states that since the 1985 enactment of the communicating law “an astronomical amount of women [have] gone missing and this is really a direct result of the law” (CBC March 21, 2007). This erasure is concerning considering that racist gendered colonial perceptions motivate attacks and Indigenous women and two-spirited identified women are overrepresented in the street sex trade in Winnipeg. Why has there been such a glaring omission?

The law certainly needs to be repealed but consultations should be inclusive and solutions must be holistic. As I have argued, the communicating law reproduces a particular gendered, raced, and classed social order. It criminalizes, imprisons, and endangers women, particularly economically marginalized and racialized individuals in the street sex trade. Moreover, the law acts as an accomplice to unpunished violence and encourages perpetrators to confidently commit crimes.

But, as I have been insisting, altering the law will not end systemic forms of oppression and violence. Though not representative of all street sex trade workers in Winnipeg or Canada,

with one exception, all women who took part in this study did not want to be working the streets.

Reflecting on her situation Sam remarked:

I know they say you live only ten years in the sex trade but that's not true. Every rubber band you pickup off the ground adds another ten years on. Seriously. This one day I saw maybe about ten of them and I just kept walking. I'd look, 'oh a rubber band, I'm not picking it up, I don't need ten more years'. Go walking. Then I saw a blue one. I'm like 'oh no, I don't want ten more years'. So I left them all that day. But yeah, they say every rubber band adds ten more years on to working in the sex trade. Every rubber band you find adds ten years on. It's like, no way, I'm not picking up rubber bands no more. I quit, and I picked up lots of them. I don't want to die but I don't want to be here [working the streets] ten more years.

When asked what could make the streets safer, Sam replied, "Just not be out there."

When explaining her standpoint about street work in Winnipeg, Sam did not resort to essentialism. She acknowledged that some individuals freely decide to work the streets.

However, Sam repeatedly stressed that economic hardship—which is interconnected with gender, race, and colonialism—limited some people's options:

Like, there's still people that choose to do it but some of us don't really have a choice. Like, we're doing it to survive. . . . Okay, you can choose to go out there or you can choose to stay inside. But do you have a place to stay inside? Do you have somewhere to go and stay inside? Like, that night are you going to be able to go sleep in your home? Are you going to be able to sleep on a bed? So it's like no. Okay, then I'll just stay up all night. It's wild. It's not fun. But that's a choice. Not really chosen by you but it's what you're gonna take, right?

The decriminalization model endorses the establishment of exit strategies but ultimately it does not address systemic oppressions that result in a particularly racialized and classed form of prostitution and violence in Winnipeg. The sex-as-labour position argues that gendered racialized professions are an inevitable component of the capitalist system (Jeffrey and MacDonald 2006). This assertion requires interrogation. Why is it acceptable to have precarious, and often exploitative, employment (such as janitorial, domestic nanny, and taxi driver positions, or sweat shop jobs) marked specifically for racialized men and women? The law is clearly

problematic but systemic oppressions and hierarchies demand just as much, if not more, critical interrogation and activism than the law itself.

In this respect, I align myself with Razack. Systems of domination must be named, confronted, and dismantled. In sum, fundamental shifts in Canadian colonial society are required. In this respect, Krystle's solution to stop racist violence is telling:

Until you change the very fabric of what this country is built up and made out of then we're not going to get anywhere. It's still going to be the same in fifty to one-hundred years. More Aboriginals are going to be dying in vast numbers. More Aboriginal children are going to be dying. If anything, the numbers are only going to go up because if our government won't even recognize us then how do you expect the rest of Canada to accept us? You know what I mean? It has to start with the very fabric of society, whether it be with policy makers, the decision-makers, the government, MLAs, or the Prime Minister himself. Yes, slowly we'll make improvements but it's only going to be little, little pockets here, little pockets there. Sadly it won't really make that much of a difference because the rest of society hasn't caught up. It's only in certain little select groups that they're actually doing the change. And until the actual governing body or the main members of society actually wake up and smell the coffee, only then will we get somewhere.

Conclusions and Closing Remarks

My thesis examined violence in Winnipeg's street sex trade. The project's objective was to answer the following questions: What factors might explain the pattern of violence perpetrated against individuals in Winnipeg's street sex trade? What community-based solutions, structural changes, and policy strategies are being undertaken to address this abuse? What additional strategies could be taken? My thesis also intended to provide a space for individuals, who are rarely respectfully consulted about why this pattern of violence might be occurring, to voice their opinions and advocate solutions. To answer the research questions and achieve the project's objectives, twenty diverse women were consulted who, in addition to being artists, activists, inner city community members, and students, have at times worked in the street sex trade in Winnipeg.

I have argued that contemporary colonial systemic violence partially explains this pattern of violence. Historical sexualized gendered racial colonial perceptions have been transmitted into contemporary mindsets and institutions. As such, Indigenous women in Winnipeg's street sex trade have been unjustly deemed violable and have unfairly been targets of sexualized gendered racial assaults. Section 213 of the *Criminal Code* has further assisted and promoted systemic oppressions and violence. This provision is inherently flawed. Laws regulating the street sex trade have, historically, been gendered, classed, and raced. They have been a product and promoter of a hierarchal order. The communicating law reproduces various forms of oppression that were embedded in Vag C and the soliciting law. Furthermore, in a number of ways, the communicating offence has increased violence against women in Winnipeg's street sex trade. Economically disadvantaged women are negatively implicated. As a result of past and present colonialism, and interconnections among gender, race, and class, this provision disproportionately impacts Indigenous women.

Grassroots organizing and resistance on behalf of women in Winnipeg's street sex trade is occurring. In a variety of ways participants discussed subtle and loud acts of resistance. In addition, community organizations are working to lobby the Manitoba government for change. Legal challenges against the communicating law are currently underway but strategies *beyond* law reform must be considered in anti-violence solutions. In order to end oppression and stop violence fundamental shifts in the very fabric of society are required.

Reflections

For a number of reasons, undertaking this thesis was both challenging and enlightening. First, writing about violence and the sex trade, particularly the racialized sex trade, was difficult. The reproduction of harmful stereotypes was a crucial concern of mine when undertaking this

research. I often questioned the focus of the study. Specifically, I wondered if the reproduction of stereotypes inevitably resulted from my focus on violence, the sex trade, racism and colonization. Despite my constant reflection I wonder if I have, in fact, faltered at points.

Second, throughout this process I constantly questioned my role as a researcher. Research involves power relations and the production of knowledge is an inherently political act (Strega 2005). Women who took part in this research have taught me a great deal. Not only have they challenged my knowledge but they have compelled me to reflect deeply on my own role as an academic undertaking this work. Specifically, I wonder who ultimately benefits from this work? Is this project, itself, exploitative? And how can research truly be resistant and empowering? Indeed, what good is naming violence if this act is not coupled with action?

In this respect, I intend to extend this research over the next few months. More specifically, I plan to devote more attention to the short and long term solutions put forth by participants and advocate for the implementation of women's recommendations. At the least, I hope this work will draw attention to systemic injustices. With that said, I firmly believe change must come from within. Perhaps a truly empowering project is one that turns power over to participants. In this respect, participants discard their "subject" role and ultimately become the researchers. They decide the topic of study, formulate the research questions and methodologies, conduct the research, and ultimately decide what to do with the end product. This is, perhaps, the only way to undertake truly resistant and empowering research.

Bibliography:

Alfred, Taiaiake. 1999. *Peace, Power, Righteousness: An Indigenous Manifesto*. Don Mills, Ontario: Oxford University Press.

_____. 2005. *Wasáse: Indigenous Pathways of Action and Freedom*. Peterborough, Ontario and Orchard Park, New York: Broadview Press, Limited.

Amnesty International. 2004. "Stolen Sisters: A Human Rights Response to Discrimination and Violence Against Indigenous Women in Canada." Available at <<http://www.amnesty.ca/campaigns/resources/amr2000304.pdf>>.

_____. 2007. "United States of America: Maze of Injustice: The Failure to Protect Indigenous Women from Violence." Available at <http://www.amnesty.org/en/library/asset/AMR51/035/2007/en/dom-AMR510352007en.pdf>.

Armstrong, Jane. 2004. "Former B.C. Judge Admits to Sex Assaults Against 4 Teen Girls." *The Globe and Mail*, May 4, A12.

_____. 2004. "B.C. Judge Throws the Book at Sex-Criminal Colleague." *The Globe and Mail*, June 2, A1.

Atchison, Chris and John Lowman. 2006. "Men Who Buy Sex: A Survey in the Greater Vancouver Regional District." *Canadian Review of Sociology and Anthropology/La Revue Canadienne de Sociologie* 43(3): 282-196.

Aylward, A., Carol. 1999. *Canadian Critical Race Theory: Racism and the Law*. Halifax, Nova Scotia: Fernwood Publishing.

Bailey, Sue. 2007. "Justice Officials Hope to ID Potential Serial Killers: Group Aims to Protect Victims." *Winnipeg Free Press*, September 24.

Barnsley, Jan and Diana Ellis. 1992. *Research for Change: Participatory Action Research for Community Groups*. Vancouver, British Columbia: The Women's Research Centre.

- Beech, Anthony, Dawn Fisher, and Tony Ward. 2005. "Sexual Murders' Implicit Theories." *Journal of Interpersonal Violence* 20: 1336-1389.
- Bell, Laurie, ed. 1987. *Good Girls Bad Girls: Sex Trade Workers and Feminists Face to Face*. Toronto, Ontario: The Women's Press.
- Bhattacharjee, Anannya and Jael Silliman, ed. 2002. *Policing the National Body: Race, Gender, and Criminalization*. Cambridge, Massachusetts: South End Press.
- Bird Rose, Deborah. 1996. "Land Rights and Deep Colonising: the Erasure of Women." *Aboriginal Law* 3 (85): 6-14.
- Bittle, Steven. 2002. "When Protection is Punishment: Neo-Liberalism and Secure Care Approach to Youth Prostitution." *Canadian Journal of Criminology* 44 (3): 317-331.
- Bowen, Raven. 2005. "Research Ethics: A Guide for Community Organizations—Produced for Prostitution Alternative Counseling and Education." Available at <http://24.85.225.7/PACE2/docs/pdf/Community_Research_Guidelines_final_Draft_feb10.pdf>.
- Brown et al. 2006. "Challenges Faced by Women Working in the Inner City Sex Trade." *Canadian Journal of Urban Research* 15 (1): 36-53.
- Brannigan, Augustine, Knalfa, Louis, and Christopher Levy. 1989. *Street Prostitution: Assessing the Impact of the Law, Calgary, Regina, and Winnipeg*. Ottawa, Ontario: Department of Justice Canada. Research, Statistics, and Evaluation Directorate.
- Brannigan, Augustine. 1996. *A Victimization of Prostitution in Calgary and Winnipeg. Technical Report No. TR1996-15e*. Ottawa, Ontario: Department of Justice Canada, Research, Statistics, and Evaluation Directorate.
- Brock, Deborah. 1998. *Making Work, Making Trouble: Prostitution as a Social Problem*. Toronto, Ontario: University of Toronto Press.
- Canada Census. 2001. "Winnipeg Census Data Inner City." Available at <<http://winnipeg.ca/Census/2001/City%20of%20Winnipeg/Inner%20City/Inner%20City.pdf>>.

Canadian National Coalition of Experiential Women. 2007. "Law Reform." Available at <<http://www.cncew.ca/lawreform.html>>.

Canadian National Coalition of Experiential Women. 2006. "Nation Wide Focus Groups On Social Service Barriers, Violence, and Addictions: Final Report." Available at <<http://www.cncew.ca/documents/focusgroupreport.pdf>>.

CBC News. 2007. "Sex Trade Workers Challenge Criminal Code." Available at <<http://www.cbc.ca/canada/story/2007/03/21/sexworkers-challenge.html>>.

CBC News. 2007. "Winnipeg's Murdered Women Deserve Task Force, Say Aboriginal Groups." Available at <<http://www.cbc.ca/canada/manitoba/story/2007/09/05/bruyere.html>>.

Chrystos. 1988. *Not Vanishing*. Vancouver, British Columbia: Press Gang Publishers.

_____. 1991. *Dream On*. Vancouver, British Columbia: Press Gang Publishers.

Cler-Cunningham, Leonard and Christine Christensen. 2001. "Violence Against Women in Vancouver's Street Level Sex Trade and the Police Response." Available at <http://24.85.225.7/PACE2/docs/pdf/PACE_Violence_Report.pdf>.

Comack, Elizabeth. 2006. "Making Connections: Class/Race/Gender Intersections." In *Criminalizing Women: Gender and (In)justices in Neo-Liberal Times*, eds. Gillian Balfour and Elizabeth Comack, 57-78. Halifax: Fernwood Publishing.

Comack, Elizabeth and Jim Silver. 2006. *Safety and Security Issues in Winnipeg's Inner City Communities: Bridging the Community-Police Divide*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.

Comack, Elizabeth. 2008. *Out There/In Here: Masculinity, Violence, and Prisoning*. Halifax, Nova Scotia: Fernwood Publishing.

Cook, Tim. 2007. "Teen Recalls Childhood Sex Assault at Trial." *The Globe and Mail*, March 21, A10.

_____. 2007. "Girl 'Started It,' Witness Tells Gang-Rape Trial." *The Globe and Mail*, March 22, A12.

Cormier, Ryan. 2005. "Serial Killer at Work in the City." *Edmonton Journal*, April 30, A3.

Cwikel, Julie, and Elizabeth Hoban. 2005. "Contentious Issues in Research on Trafficked Women Working in the Sex Industry: Study Design, Ethics, and Methodology." *Journal of Sex Research* 42 (4): 306-316.

Coy, Maddy. 2006. "This Morning I'm a Researcher, This Afternoon I'm an Outreach Worker: Ethical Dilemmas in Practitioner Research." *International Journal of Social Research Methodology* 9 (5): 419-431.

Dabu, M., Sheila. 2006. "Feds Face Court Challenge from Prostitute Advocates." *New Brunswick Telegraph Journal*, December 18, A6.

_____. 2006. "Dangerous Laws Prompt Prostitution Group to Sue." Available at <http://www.canada.com/vancouver/news/story.html?id=8913bf98-c1f3-4ab4-b3bf-d7ecb0c74630&k=79433>.

Dalla, L., Rochelle. 2002. "Night Moves: A Qualitative Investigation of Street-Level Sex Work." *Psychology of Women Quarterly* (26): 63-73.

Department of Justice Canada. 1998. *Federal/Provincial/Territorial Working Group on Prostitution: Report and Recommendations in respect of Legislation, Policy and Practices Concerning Prostitution-Related Activities*. Ottawa, Ontario: Department of Justice Canada.

Doe, Jane. 2003. *The Story of Jane Doe*. Toronto, Ontario: Random House Canada.

Donovan, Brian. 2006. *White Slave Crusades: Race, Gender, and Anti-Vice Activism*. Urbana and Chicago: University of Illinois Press.

Dua, Enakshi. 2000. "The 'Hindu Woman's Question': Canadian Nation Building and the Social Construction of Gender for South Asian-Canadian Women." In *Anti-Racist Feminism: Critical Race and Gender Studies*, ed. A. Calliste and G.J.S. Dei, 55-72. Halifax: Fernwood Publishing, 2000.

Dworkin, Andrea, and Catharine MacKinnon. 1997. *In Harm's Way: The Pornography Civil Rights Hearings*. Cambridge, Massachusetts, London, England: Harvard University Press.

- Dworkin, Andrea. 1993. "Prostitution and Male Supremacy." Available at <<http://www.nostatusquo.com/ACLU/dworkin/MichLawJourI.html>>.
- Farley, Melissa. 2003. "Prostitution and the Invisibility of Harm." *Women with Visible and Invisible Disabilities* 26 (3/4): 247-280.
- Ferguson, Dave. 2008. "Batting a Perfect 'Britney'." *Winnipeg Free Press*, January 5, Editorials.
- Fontaine, Nahanni. 2006. "Surviving Colonization: Anishinaabe Ikwe Gang Participation." In *Criminalizing Women: Gender and (In)justices in Neo-Liberal Times*, eds. Gillian Balfour and Elizabeth Comack, 113-130. Halifax: Fernwood Publishing.
- Fraser, Laura, and John Lowman. 1996. "Violence Against Persons Who Prostitute: The Experience in British Columbia Department of Justice Canada. Research, Statistics, and Evaluation Directorate Technical Report Number TR1996-14e." Available at John Lowman's Prostitution Research Page <<http://mypage.uniserve.ca/~lowman/>>.
- Frisby, Wendy et al. 2005. "Putting 'Participatory' Into Participatory Forms of Action Research." *Journal of Sport Management* 19 (4): 367-387.
- Graves, Frank. 1989. *Street Prostitution: Assessing the Impact of the Law, Halifax*. Ottawa, Ontario: Department of Justice Canada Research, Statistics, and Evaluation Directorate.
- Gray, H., James. 1986. *Red Lights on the Prairies*. Toronto, Ontario and Saskatoon, Saskatchewan: Western Producer Prairie Books.
- Greenway, Norma. 2007. "Johns and Pimps a Problem, Not Prostitutes, MPs Claim." *Edmonton Journal*, February 28, A6.
- Gilchrist, L. 1995. "Urban Survivors, Aboriginal Street Youth: Vancouver, Winnipeg, and Montreal. Research Report presented to the Royal Commission on Aboriginal Peoples", January.
- Goldberg, David Theo. 1999. "Surplus Value: The Political Economy of Prisons." *Review of Education, Pedagogy, and Cultural Studies* 21 (3): 247-263.

- Goldberg, David Theo. 2002. *The Racial State*. Malden, Massachusetts and Oxford, United Kingdom and Carlton, Australia: Blackwell Publishing.
- Gorzen, Peter, Joan Hay, and Jim Silver. *Aboriginal Involvement in Community Development: The Case of Winnipeg's Spence Neighbourhood*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.
- Goulding, Warren. 2001. *Just Another Indian: A Serial Killer and Canada's Indifference*. Calgary, Alberta: Fifth House Limited.
- Guy, John. 2008. "The Fatality Inquiries Act Report By Provincial Judge on Inquest Respecting the Death of: Tracia Owen." Available at < http://www.manitobacourts.mb.ca/pdf/tracia_owen.pdf>.
- Hanes, Allison. 2007. "Prostitutes Challenge Sex-Trade Laws: Restrictions Put Lives at Risk, They Say." *Edmonton Journal*, March 22, A5.
- Harris, Angela P. 1990. "Race and Essentialism in Feminist Legal Theory." *Stanford Law Review* (42): 581-616.
- hooks, bell. 2000. *Feminist Theory: From Margin to Centre*. Cambridge, Massachusetts: South End Press.
- Hubbard, Phil. 2004. "Cleansing the Metropolis: Sex Work and the Politics of Zero Tolerance." *Urban Studies* 41 (9): 1687-1702.
- Jeffrey, Leslie Ann, and Gayle MacDonald. 2006. *Sex Workers in the Maritimes Talk Back*. Vancouver and Toronto: UBC Press.
- Jiwani, Yasmin. 2006. *Discourses of Denial: Mediations of Race, Gender, and Violence*. Vancouver and Toronto: UBC Press.
- Jiwani, Yasmin and Mary Lynn Young. 2006. "Missing and Murdered Women: Reproducing Marginality in News Discourse." *Canadian Journal of Communication Corporation* 31 (4): 895-917.

- Kapur, Ratna. 2002. "The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International/Post-Colonial Feminist Legal Politics." *Harvard Human Rights Journal* (15): 1-38.
- Kingsley, Cherry, Marian Krawczyk, and Melanie Mark. 2000. *Sacred Lives: Canadian Aboriginal Children and Youth Speak Out About Sexual Exploitation*. Ontario: Save the Children Canada.
- Kovach, Margaret. 2005. "Emerging from the Margins: Indigenous Methodologies." In *Research as Resistance: Critical, Indigenous, and Anti-Oppressive Approaches*, ed. Leslie Brown and Susan Strega, 19-36. Toronto, Ontario: Canada Scholars' Press/Women's Press.
- Kuokkanen, Rauna, 2008. "Globalization as Racialized, Sexualized Violence." *International Feminist Journal of Politics* 11 (18): 216-233.
- Kyle, Anne. 2001. "Symposium Told Race Played Role." *Leader Post*, October 19, B2.
- Lang, Sabine. 1998. *Men as Women, Women as Men: Changing Gender in Native American Cultures*. Austin, Texas: University of Texas Press.
- Levine, Phillipa. 2003. *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire*. New York and London: Routledge.
- Lewis et al. 2005. "Managing Risk and Safety on the Job: The Experiences of Canadian Sex Workers." *Journal of Psychology and Human Sexuality* 17 (1/2): 147-167.
- Little, Margaret and Ian Morrison. 1999. "The Pecker Detectors are Back: Regulation of the Family Form in Ontario Welfare Policy." *Journal of Canadian Studies* 34 (Summer): 110-136.
- Loots, Lliane. 2000. "Looking for Women's Rights in the Rainbow: Pornography, Censorship, and the 'New' South Africa." In *Feminism and Pornography*, ed. Drucilla Cornell, 423-441. Oxford, United Kingdom and New York, New York: Oxford University Press.
- Lowman, John. 1989. *Street Prostitution: Assessing the Impact of the Law*. Ottawa, Ontario: Department of Justice Canada, Research, Statistics, and Evaluation Directorate.

- Lowman, John, and Brian D. MacLean eds. 1992. *Realist Criminology: Crime Control in the 1990s*. Toronto, Buffalo, and London: University of Toronto Press.
- Lowman, John. 1998. "Prostitution Law Reform in Canada." Available at <http://mypage.uniserve.ca/~lowman/>.
- _____. 2000. "Violence and the Outlaw Status of (Street) Prostitution in Canada." *Violence Against Women* 6 (9): 1-26.
- _____. 2005. "Reconvening the Federal Committee on Prostitution Law Reform." *Canadian Medical Association* 366: 147-148.
- _____. 2005. "Submission to the Subcommittee on Solicitation of the Standing Committee on Justice, Human Rights, Public Safety, and Emergency Preparedness." Accessed at <http://mypage.uniserve.ca/~lowman/>.
- McClintock, Anne. 1992. "Screwing the System: Sexwork, Race, and the Law." *Boundary 2* 19 (2): 70-95.
- _____. 1995. *Imperial Leather*. New York, New York and London, Great Britain: Routledge.
- Mohanty, Chandra. 2003. *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity*. Durham: Duke University Press.
- Monture, A., Patricia. 2007. "Racing and Erasing: Law and Gender in White Settler Societies." In *Race and Racism in 21st Century Canada: Continuity, Complexity, and Change*, eds. Sean P. Hier and B. Singh Bolaria, 197-216. Peterborough, Ontario and Orchard Park, New York: Broadview Press.
- Ndaawin. Date unknown. *Protecting Children Information Guide: Preventing the Sexual Exploitation of Children and Youth through Prostitution*. Winnipeg, Manitoba: Ndaawin.
- Neu, Dean and Richard Therrien. 2003. *Accounting for Genocide: Canada's Bureaucratic Assault on Aboriginal People*. Black Point, Nova Scotia and Winnipeg, Manitoba and New York, New York: Fernwood Books and ZED Books.

- Nixon, Kendra and Leslie M. Tutty. 2003. "'Selling Sex? It's Really Like Selling Your Soul': Vulnerability to the Experience of Exploitation through Child Prostitution." In *Being Heard: The Experiences of Young Women in Prostitution*, ed. Kelly Gorkoff and Jane Runner, 29-43. Black Point, Nova Scotia and Winnipeg, Manitoba: Fernwood Publishing and Research and Education for Solutions to Violence and Abuse.
- Nixon, Kendra and Leslie M. Tutty. 2003. "That was My Prayer Every Night—Just to Get Home Safe." In *Being Heard: The Experiences of Young Women in Prostitution*, ed. Kelly Gorkoff and Jane Runner, 69-85. Black Point, Nova Scotia and Winnipeg, Manitoba: Fernwood Publishing and Research and Education for Solutions to Violence and Abuse.
- O'Conner, Elaine. 2006. "Winnipeg's West End: Drug Wars Catch Inner-City Kids in the Crossfire Series, The Province's Safe Streets Project." *The Province*, June 28, A9.
- Owen, Bruce. 2005. "In Your Face Blitz Unveiled." *Winnipeg Free Press*, October 26.
- Pacholik, Barb. 1997. "Sentence Not Enough." *Saskatoon Star Phoenix*, January 31, A1.
- Pacholik, Barb. 1997. "Two Grieving Mothers Embraced." *Saskatoon Star Phoenix*, January 31, A3.
- Prenger, Jill. 2003. "Treat Prostitutes as Equal Canadians: A Case for Decriminalization and Federal Regulations." *Criminal Reports Articles 6th Series*: 1-17.
- Quadara, Antonia. 2008. "Sex Workers and Sexual Assault in Australia: Prevalence, Risk, and Safety." *Australian Government Institute of the Family* (8): 1-42.
- Rabison, Mia. 2008. "Slain Girl In, Out of Foster Care: 17-year-old Returned to Family Member Despite Allegations of Prostitution, Drugs." *Winnipeg Free Press*, March 26, A3.
- Razack, Sherene H. 1998. "Race, Space, and Prostitution: The Making of the Bourgeois Subject." *Canadian Journal of Women and the Law* (10): 338-376.
- _____. 2002a. "When Place Becomes Race." In *Race, Space, and the Law: Unmapping a White Settler Society*, ed. Sherene Razack, 1-20. Toronto, Ontario: Between the Lines.

- _____. 2002b. "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George." In *Race, Space, and the Law: Unmapping a White Settler Society*, ed. Sherene Razack, 121-156. Toronto, Ontario: Between the Lines.
- _____. 2005. "How is White Supremacy Embodied? Sexualized Racial Violence at Abu Ghraib." *Canadian Journal of Women and the Law*. 17 (2): 341-363.
- Report of the Aboriginal Justice Inquiry of Manitoba. 1999. "The Justice System and Aboriginal People, The Implementation Commission." Available at < <http://www.ajic.mb.ca/volume1/toc.html>>.
- Report of the Aboriginal Justice Inquiry of Manitoba. 1999. "The Justice System and Aboriginal People, The Implementation Commission, Chapter 13 Aboriginal Women." Available at <<http://www.ajic.mb.ca/volume1/chapter13.html>>.
- Report of the Aboriginal Justice Inquiry of Manitoba. 1999. "The Justice System and Aboriginal People, The Implementation Commission, Chapter 16 Policing." Available at <<http://www.ajic.mb.ca/volume1/chapter16.html>>.
- Report of the Aboriginal Justice Inquiry of Manitoba. 1999. "The Justice System and Aboriginal People, The Implementation Commission, The Death of Helen Betty Osborne." Available at <<http://www.ajic.mb.ca/volume1/toc.html>>.
- Report of the Royal Commission on Aboriginal Peoples. 1996. "Volume 4 Women's Perspectives." Available at < <http://www.ainc-inac.gc.ca/ap/pubs/sg/cg/cj2-eng.pdf>>.
- Reynolds, Lindor. 2007. "Wonder How the Witnesses Sleep At Night?" *Winnipeg Free Press*, July 18.
- _____. 2007. "Another Child of the Streets Gone Forever: No 17-Year-Old Should Fall Victim to City's Roaming Sex Predators." *Winnipeg Free Press*, September 5.
- _____. 2008. "Care More About Britney Than Slain Mom? Dig Deep and Answer Some Tough Questions." *Winnipeg Free Press*, January 7.
- Robertson, R. James. 2003. "Prostitution." Accessed at < <http://dsp-psd.communication.gc.ca/Pilot/LoPBdP/CIR/822-e.htm#cthefrasertxt>>.

Rose, Chris. 1988. "Barber Linked to Drink Deaths, Trial Told: Vancouver Police Investigated Suspect Four Times in Four Years." *The Vancouver Sun*, October 7, A10.

_____. 1988. "Woman was Offered Cash to Drink, Court Told: Death Trial Told of Money-to-Drink Offer." *The Vancouver Sun*, October 8, A1.

_____. 1988. "Diary Cites Deaths of Drinking Women." *The Vancouver Sun*, October 17, A1.

_____. 1988. "2 Women Might Not Have Died: Police Probe of Alcohol Deaths was Dropped, Ex-Coroner Says." *The Vancouver Sun*, October 24, A1.

Roy, J., Vera. 2005. "The Erasure of Ms. G: The Cultural Specificity of Substance Abuse and Adjudication without Imagination." *Canadian Journal of Law and Society*: 1-33.

Sanders, Teela. 2005. "'It's Just Acting': Sex Workers' Strategies for Capitalizing on Sexuality." *Gender, Work, and Organization* 12 (4): 319-342.

Sangster, Joan. 2001. *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960*. Don Mills, Ontario: Oxford University Press.

Santin, Aldo. 2007. "Slain Mom Struggles, But is 'at Peace Now': Death Marks 18th Unsolved Murder of Sex-Trade Workers." *Winnipeg Free Press*, July 17.

Seshia, Maya. 2007. "Nourishing a Violent Atmosphere: A Critical Assessment of the Communicating Law (Criminal Code section 213)." Unpublished paper for *Law and Feminism in Canada Women's Studies 500 Directed Reading*. Edmonton, Alberta: University of Alberta.

Seshia, Maya. 2005. *The Unheard Speak Out: Street Sexual Exploitation in Winnipeg*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.

Sex Professionals of Canada. 2007. "Decriminalizing Sex Work Challenge." Available at <<http://spoc.ca/>>.

- Shah, P., Svati. 2004. "Prostitution, Sex Work and Violence: Discursive and Political Contexts for Five Texts on Paid Sex 1987-2001." *Gender and History* 16 (3): 794-812.
- Shaver, M., Frances. 2005. "Sex Work Research: Methodological and Ethical Challenges." *Journal of Interpersonal Violence* 20: 296-319.
- Silver et al. 2002. *Aboriginal Education In Inner City High Schools*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.
- Silver et al. 2006. *In a Voice of Their Own: Urban Aboriginal Community Development*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.
- Silver, Jim. 2006. *North End Winnipeg's Lord Selkirk Park Housing Development: History, Comparative Context, Prospects*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.
- Silver, Jim. 2007. *Unearthing Resistance: Aboriginal Women in the Lord Selkirk Park Housing Developments*. Winnipeg, Manitoba: Canadian Centre for Policy Alternatives.
- Smith, Andrea. 2005. *Conquest: Sexual Violence and American Indian Genocide*. Cambridge, Massachusetts: South End Press.
- Smith, Anna Maria. 2002. "The Sexual Regulation Dimension of Contemporary Welfare Law: A Fifty State Overview." *Michigan Journal of Gender and Law* (8): 121-128.
- Standing Committee on Justice and Human Rights and the Subcommittee on Soliciting Laws Standing Committee on Justice and Human Rights and the Subcommittee on Solicitation Laws. 2006. *The Challenge of Change: A Study of Canada's Criminal Prostitution Laws*. Ottawa, Ontario: Standing Committee on Justice and Human Rights.
- Stolcke, Verna. 1994. "Invaded Women: Sex, Race and Class in the Formation of Colonial Society." *European Journal of Development and Research* 6 (2): 7-20.
- Strega, Susan. 2005. "The View from the Poststructural Margins: Epistemology and Methodology Reconsidered." In *Research as Resistance: Critical Indigenous, and Anti-Oppressive Approaches*, eds. Leslie Brown and Susan Strega, 199-235. Toronto, Ontario: Canada Scholars' Press/Women's Press.

Sutter, Trevor. 1996. "FSIN Chief says Manslaughter Verdict Reinforces Belief that Justice System has Failed Aboriginals." *The Saskatoon Star Phoenix*, December 23, C1.

The Quotation Page. "Mohandas Gandhi Quotes." Available at
<http://www.quotationspage.com/quotes/Mahatma_Gandhi/>.

Turner, James. 2008. "Family Fears for Missing Woman: Sex-Trade Worker Last Heard from in Alarming Phone Message July 24." *Winnipeg Free Press*, August 8, B3.

Vancouver Eastside Missing Women. 2007. "Missing Lives a Special Report by the Canadian Press Sarah de Vries." Available at <http://www.missingpeople.net/missing_lives_sarah_de_vries.htm>.

Walton, Dawn. 2005. "Task Force Joins Probe After Body Found In Field." *The Globe and Mail*, April 18, A9.

Winnipeg Police Service. 2006. "Annual Report." Available at
<<http://www.winnipeg.ca/police/AnnualReports/2006/2006annual.pdf>>.

Winnipeg Police Service. 2006. "Unsolved Homicides: The Glenda Morrisseau Murder." Available at
<http://www.winnipeg.ca/police/Unsolved_Cases/Homicides/1991_morrisseau.stm>.

Winnipeg Police Service. 2006. "Unsolved Homicides: Therena Silva." Available at
http://www.winnipeg.ca/police/Unsolved_Cases/Homicides/2002_silva.stm.