

**MURDER IN THE PARK:
CIVIC IDENTITY-MAKING AND SPACE IN VANCOUVER**

by

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ABSTRACT

Stanley Park is well known in Vancouver, Canada, and globally as a site of nature in the city. Over the course of its history, this image of the park as healthy, natural, and safe has been frequently disrupted by violent and/or destructive incidents. Physical and sexual attacks, both random and calculated, have routinely occurred in the park and have resulted in frenzied media, civic, and political responses. These events unsettle Stanley Park's identity, and as a result, multiple actors in Vancouver perform cultural work to reinvent and/or restore the Park's meaning vis-à-vis extreme disruptions of violence. By examining the textual records of two exemplary incidents of violent disruption in the park – the 2001 queer-bashing murder of Aaron Webster and the 1992 beating and killing of six Chilean flamingos in the Park zoo – I ask: How is Stanley Park's identity created, managed, and communicated to Vancouver residents and to visitors and tourists? How are belonging, citizenship, power, and morality implicated in this cultural work? This thesis argues that both the murder of Aaron Webster and the flamingo killings have profound implications for how we understand Stanley Park. Webster's death and the ensuing public response demarcated rightful queer ownership of the space and at the same time provided a platform for public scrutiny and administration of queer sexuality. The flamingo murders were leveraged to bring Stanley Park 'back' to its 'natural' state, upholding a national narrative about the park as an untouched wilderness and further erasing the histories and ongoing realities of colonialism. The discourses that emerged in response to each event went well beyond the cases at hand to produce important meanings about civic identity and who belongs and does not belong in Vancouver.

TABLE OF CONTENTS

ABSTRACT	ii
TABLE OF CONTENTS	iii
1. INTRODUCTION - “WE LYNCHED A GUY”: DISCOURSES OF DANGER AND ACTS OF VIOLENCE IN STANLEY PARK.....	1
2. LITERATURE REVIEW	10
3. METHODOLOGY	19
4. “NO MORE WAFFLING AROUND!”: THE REPRESSIVE HYPOTHESIS AND VANCOUVER’S QUEER LIBERATION	24
5. “BUT HE KEPT CHICKENS ON THE FAMILY FARM”: THE FLAMINGO MURDERS, CIVIC IDENTITY-MAKING, AND CONCEPTIONS OF SPACE.....	41
6. CONCLUSION: WHO’S WHO IN THE ZOO	56
REFERENCES	61

INTRODUCTION

“WE LYNCHED A GUY”: DISCOURSES OF DANGER AND ACTS OF VIOLENCE IN STANLEY PARK

The title comes from the words of Ryan Cran, the youth convicted of killing Aaron Webster in Stanley Park in November 2001. Cran was telling an acquaintance at a pool hall that he recently “lynched” someone - Aaron Webster – and thought he was subsequently being watched by police.¹ Cran’s description of this violent act and the death of Aaron Webster as a lynching raises several questions in the social context of the murder. Lynching is defined by the following characteristics: “there must be legal evidence that a person has been killed and that he met his death illegally and at the hands of a group acting under the pretext of service to justice, race or tradition.”² It is most commonly associated with the Jim Crow South and the hanging of black men in trees by white men and women. As Jonathan Markovitz, a scholar on racial violence, reminds us, lynching has since been used as a

¹ R. vs. Cran (2006) BC Court of Appeal 2664: 12.

² Markovitz, J. (2004) *Legacies of Lynching: Racial Violence and Memory*. Minneapolis, MN: University of Minnesota Press, xvii.

metaphor through which we view and explain unequal social relations.³

This phrase that Ryan Cran uses to describe his attack on Webster reveals some important themes that will be the subject of this thesis. Like the effects of lynchings on African-American communities, the violent killing of Webster had a tremendous impact on Vancouver's queer community. The queer community claimed that the event *was* a lynching – the purpose of the attack was to control Vancouver's queer population. The accused insisted that this was not the case, as he claims to have not known Webster was gay.⁴ However, Ryan Cran's own admission that he 'lynched a guy,' is illustrative of his entrance to a space of deviant sexuality to control a population he perceived to be unlike himself. Cran's use of the phrase 'lynching' demonstrates the complex histories and meanings surrounding the murder of Aaron Webster, especially the marginalized position of queer men relative to straight men in Vancouver. Engaging with Cran's description allows us to peel back the layers of meaning of this act, to see the different actors' roles, and to understand how this narrative developed, and what it has meant for the contested identities of Stanley Park in the wake of this and other violent tragedies.

Stanley Park is well-known in Vancouver, Canada, and globally as a site of nature in the city. Tourists come from all over the world to experience the lush surroundings, and to bike, run, and walk in the park. Over the course of its history, this image of the park as

³ Markovitz, *Legacies of Lynching*: xvii.

⁴ Cran thought Aaron Webster was a "peeping Tom" – he had been spied upon in Stanley Park with his girlfriend a few months prior to the attack, and his defense claimed he attacked Webster in supposed retribution. This defense avoided a Hate Crime conviction for Cran, as voyeurism is not a protected characteristic under federal law.

healthy, natural, and safe has been frequently disrupted by violent and/or destructive incidents. Physical and sexual attacks, both random and calculated, have routinely occurred in the park and have resulted in frenzied media, civic, and political responses. These events unsettle Stanley Park's identity, and as a result, multiple actors in Vancouver perform cultural work to reinvent and/or restore the Park's meaning vis-à-vis extreme disruptions of violence. By examining the textual records of two exemplary incidents of violent disruption in the park – the 2001 queer-bashing murder of Aaron Webster and the 1992 beating and murder of six Chilean flamingos in the Park zoo – I ask: How is Stanley Park's identity created, managed, and communicated to Vancouver residents and to visitors and tourists? How are belonging, citizenship, power, and morality implicated in this cultural work?

As the face of the public sphere and the “lungs of the city,” urban parks are representative spaces that demonstrate a consensus about who the city is.⁵ The meanings ascribed to urban parks are therefore integral to residents' identification with the city and their sense of belonging in it. In the same respect, the construction of urban parks has the power to exclude and marginalize, reproducing and perpetuating social inequalities and tensions surrounding citizenship. As a west coast, North American colonial city, Vancouver's international identity is centered on nature and abundance.⁶ In its purest form, Stanley Park operates as a symbolic space of plenty on different registers; when the colonial population of Vancouver arrived from Europe, for example, the region was thought to be empty, despite the presence of aboriginal peoples, and there was believed to be more than

⁵ Bachin, R.F. (2003) *Cultivating Unity: The Changing Role of Parks in Urban America*. *Places: Design Observer* 15(3): 15.

⁶ Dawson, M. (2004) *Selling British Columbia: Tourism and Consumer Culture*. Vancouver: UBC Press.

enough space for everyone. More recently, park spaces including Stanley Park provide a site for claims that people engage in healthy, wholesome recreation in the great outdoors.⁷ Since Stanley Park is seen as representing a consensus about Vancouver's civic identity, any bodies or activities that fall outside this civic narrative become oppositional and require discursive and cultural work to (re)define who 'we' are and who 'we' are not.

The two events I examine provide extreme examples of this sort of cultural work, one focusing on the murder of Aaron Webster, the other on the killing of flamingos. Each of these, in their own ways, disrupted constructions of Stanley Park at particular historical moments. Following these events, several constituents rallied together to redefine the events in moral terms and to restore a consensus as to who the park belongs to, who is excluded, and how it represents the city in spatial terms. Here, I will describe each of the events in turn and will explain how their combined analysis provides insight into the meaning-making of Stanley Park and of Vancouver's civic identity.

On January 28th 1992, a group of young working class men broke into the zoo at Stanley Park. One of them, Jason Laberge, brutally mutilated and murdered six Chilean Flamingos while the others chanted and encouraged him to do so. This event sparked moral outrage in Vancouver and across Canada, raising questions about the men's race and class. A preliminary review of newspaper articles covering the incident suggests that in the discourses around the event, the young men were constructed as "white trash." The flamingos, by

⁷ This suggestion is not to be taken for granted; much work goes in to upholding narratives such as these. For several local examples, see Perry, A. (2001) *The edge of empire: Gender, race, and the making of British Columbia, 1849-1871*. Toronto: University of Toronto Press; Barman, J. (2005). *Stanley Park's Secret: The Forgotten Families of the Whoi Whoi, Kanaka Ranch, and Brockton Point*. Madiera Park, BC: Harbour Publishing.

contrast, were constructed as exotic, feminized, and frail. The image of the accused as a roving pack of dangerous young men in an urban park at night is invoked in various representations of the event and is consistent with other moral panics about urban park danger around this time⁸ The intensity with which people reacted to the event and the young men involved in the killings, especially Laberge, suggests that this event was somehow personal to Vancouver residents, even if they were not particularly fond of the flamingos or of animals in general. What kinds of cultural scripts did residents, journalists, city officials, judicial personnel, and park staff draw upon to reconcile this event with their dominant images of Stanley Park as a safe, healthy and natural space? How were the men's race, class, and masculinity constructed? How did the victims as flamingos, as opposed to rats or humans for that matter, impact the discourses surrounding the event? How did Stanley Park recover from the flamingo killings, and how was the Park and city inhabitants redefined in the process?

As I've already suggested, the second case I analyze is the violent homophobic attack on Aaron Webster that ultimately resulted in his death. Webster was attacked by a group of young suburban men while he was visiting a well-known queer cruising spot in Stanley Park. Queer communities in Vancouver mobilized to hold vigils memorializing Aaron Webster and to speak out against homophobic violence. However, the incident was divisive within the community, raising competing positions on the subject of public sex in parks.⁹ In the wake of

⁸ See for example McMartin, P. (May 24 1992). The Flamingo Killer: Villian or Good Kid Gone Astray? *Vancouver Sun*, B12; Duru, N.J. (2003-2004) The Central Park Five, The Scottsboro Boys, and the Myth of the Bestial Black Man. *Cardozo Law Review* 25: 1315-1366.

⁹ Peters, R. (2001). Park Sex Divides Gay Vigil. *365Gay.com NewsCenter*, November 23 2001 <<http://tampabaycoalltion.homestead.com/files/1123ParkSexDividesGaysVigil.htm>>

Webster's death, public dialogue focused on whether or not public sex is or should be an integral feature of gay culture. As Stanley Park is a known meeting place for queer men to seek anonymous public sex, the park's identity became a focal point of discussion. Whether Stanley Park *as a public sex site* was to be renounced and reimagined or celebrated and defended partly determined where the blame was to be placed for Webster's violent death. If that area of the park was indeed known to be a central node for Vancouver's queer community, then the accused was entering a queer space to commit a homophobic act. If queer communities and Vancouver residents considered public sex to be unwelcome and irresponsible in Stanley Park, either because it was too dangerous or morally undesirable, then it was Webster who was in the wrong place and should have practiced safer sex¹. To this end, the trial as well as the public response raised important questions as to whether this incident should be considered a Hate Crime, and whether the accused should be tried under the Youth Criminal Justice Act, which would influence the severity of the sentence.¹⁰

Like the case of the flamingos, the murder of Aaron Webster also raises important questions regarding civic meanings. Here, I ask, how was Stanley Park reconstructed amidst this spatial struggle over danger, violence, and homophobia? What role did the law and the trial have in shaping the narratives of morality, risk, and blame in this incident? How did the divided views on public sex within the queer community emerge, particularly at memorial events following Webster's death? And finally, how has Stanley Park as a "cruising space" been redefined and represented since the murder?

¹⁰ Hainsworth, J. (2005) No Evidence of a Hate Crime: Judge. *Xtra West!* May 12, 2005.

It is now well known in the social sciences that space is socially constructed.¹¹ Despite the critical insights offered by geographers, sociologists and others, space is still often taken for granted, and researchers tend to focus on what particular spaces represent and how their meanings affect the social world. In this project, I examine how Stanley Park has been socially and discursively constructed. Specifically, I am interested in the types of narratives offered by various individuals and groups as they commented on the dead Flamingos and on the Webster case. In addition, I focus on how these public dialogues responded to one another. In particular, I am interested in the interplay between state response, law and policy, local voices, and media representations. In exploring these connections I explore the social conflicts over meanings and seek to understand what makes particular ideas about the social world dominate over other competing ideas.

Both the murder of the flamingos and that of Aaron Webster violently disrupted prevailing images of Stanley Park as a natural, wholesome, and healthy wilderness. Since urban parks often represent the city's identity, the stakes in both cases were high for repairing a consensus regarding the park's meaning. These two cases are particularly instrumental in looking at the construction of park space because the management of nature, including animals, and the exclusion of queer sexualities have both been important aspects of establishing the identities of urban (colonial) parks. Stanley Park's ecology was consciously created by colonial and later civic authorities but has been presented as natural and

¹¹ See for example, a central text on the social construction of space, Lefebvre, H. (1991) *The Production of Space*. English translation by Donald Nicholson-Smith. Mississauga, ON: Blackwell Publishing.

limitless.¹² Urban parks have exemplified the wholesome recreational values of North America even while they functioned as queer cruising sites.¹³ These contradictions in the human and non-human realms have been perpetuated through crafted discourses that have the power to explain concurrent and sometimes conflicting realities. Both events produced massive public response, particularly regarding how each case should be dealt with in the judicial system, demonstrating the law's central role in producing the park's ecological and social identity.

Both the murder of flamingos and of Aaron Webster have worked to disrupt common narratives of Stanley Park as a site of nature and beauty. The differences between these cases are many, including the claim that humans have the capacity for reason and enter such spaces of their own accord, while animals, on the other hand, are placed spatially and have little capacity to choose. Despite the differences between these, the violence inflicted in both the flamingo and Webster cases share many similarities. Each essentially amounts to an attack on the feminine. Weak, frail, or exotic Others cordoned off in a 'natural' environment and observed, intruded upon, and victimized by masculine white bodies could be read as an allegory for colonialism – it entrenches a dominant cultural and spatial identity between the superiority of self and the inferiority of others. By comparing these events – an attack on human and a non-human victims – we can see how civic identities are disrupted and the the labor of reparative discourses that are created and communicated to the broader Vancouver

¹² Mawani, R. (2007). Legalities of Nature: Law, Empire, and Wilderness Landscapes in Canada. *Social Identities* 13(6): 722.

¹³ Maynard, S. (2004). Through a hole in the lavatory wall; Homosexual subcultures, police surveillance, and the dialectics of discovery, Toronto, 1890-1930. *Journal of the History of Sexuality* 5(2): 207.

community and beyond.

My interest in juxtaposing the human and nonhuman is to produce an account that demonstrates the multiple ways in which space is constructed. Space is not merely comprised of human actors and their individual intentions. It is also created through a dialectical process with the non-human world, as social meanings are assigned and projected on to those without intentions of their own. Looking at the social construction of space from this angle provides a more complicated narrative of how human and non-human forces are co-present in the production of spatial and civic identities.

LITERATURE REVIEW

The relevant research for this project can be divided into three fields: the social constructions and meanings of park space; cruising and queer bashing in the city; and struggles over safety in urban parks. In this chapter, I briefly discuss each of these in turn.

In recent years a voluminous amount of research has been produced on the social construction of space. Influential scholars such as Lefebvre¹⁴ have produced a body of work arguing that the construction of space is a central tool used to create and maintain dominant social structures and meanings. Of particular relevance here are the social scientists that draw from the work of both Lefebvre and Gramsci focus on colonial and postcolonial spaces and their multiple meanings. Sherene Razack,¹⁵ Renisa Mawani,¹⁶ Adele Perry,¹⁷ and Jeff

¹⁴ For example, Lefebvre, H. (1976) *The Survival of Capitalism: Reproductions of the Relations of Production*. New York: St. Martin's Press; and (1991) *The Production of Space*. Mississauga, ON: Blackwell Publishing.

¹⁵ Razack, S. (2002). Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George. In Sherene Razack (ed) *Race, Space, and the Law: Unmapping a White Settler Society*. Between the Lines Press; Razack, S. (1998). Race, Space, and Prostitution: The Making of the Bourgeois Subject. *Canadian Journal of Women and Law* 10: 338-376.

Sommers¹⁸ have each argued that Canadian landscapes, which are part of a white settler society, are charged and unequal sites of power. These authors have shown that gender, race, and sexuality are bound up in national-spatial imaginaries and cannot be understood fully without a social geographical lens.

Several authors working in this field have examined the social construction of park spaces. Byrne and Wolch¹⁹ argue that research should be moving away from parks as user-oriented spaces. Rather, they take an interdisciplinary approach and advocate viewing park spaces as socially meaningful sites of power. Studying Algonquin Park, Jody Baker²⁰ argues that park space is both consumed and produced through material, discursive, and touristic processes. Parks, therefore, are not naturally-occurring sites of aesthetic value but have been created as such through processes of representation and consumption.

The research on Stanley Park shows the tireless cultural work that has been invested

¹⁶ Mawani, R. (2003). Imperial legacies (post)colonial identities: Law, space, and the making of Stanley Park, 1859-2001. *Law Text Culture* 7: 98-141; Mawani, R. (2005). Genealogies of the Land: Aboriginality, Law, and Territory in Vancouver's Stanley Park. *Social and Legal Studies* 14(3): 315-339; Mawani, R. (2007). Legalities of Nature: Law, Empire, and Wilderness Landscapes in Canada. *Social Identities* 13(6): 715-734.

¹⁷ Perry, A. (2001). *The edge of empire. Gender, race, and the making of British Columbia, 1849-1871*. Toronto: University of Toronto Press.

¹⁸ Sommers, J. (1998) Men at the margin: Masculinity and space in downtown Vancouver, 1950-1986. *Urban Geography*, 19(4): 287-331.

¹⁹ Byrne, J. and Wolch, J. (2009) Nature, Race, and Parks: Past Research and Future Directions for Geographic Research. *Progress in Human Geography* 33(6): 743-765.

²⁰ Baker, J. (2002). Production and Consumption of Wilderness in Algonquin Park. *Space and Culture* 5(3): 198-210.

in constructing the park as a space of untouched nature. Renisa Mawani²¹ as well as Jean Barman²² have done most of the extant research on this topic. In different ways, both Barman and Mawani look at colonial and postcolonial relations between First Nations/non-First Nations and how these dynamics have informed and been reproduced in the management of park space. While Jean Barman's book is a historiography and oral history of the Coast Salish families living in Stanley Park in the late 19th and early 20th centuries, Mawani has explored, in several articles, the interplay between law, nature, and cartography in processes of colonialism. Influential to the lens with which I viewed these two cases, particularly the flamingo murders, she shows how planners, politicians, and legal officials purposefully created Stanley Park as an image of the pristine, untouched "terra nullius" in ways that deliberately delegitimized and obscured Aboriginal claims to the territory.²³

Urban parks are not merely social constructed but also carry specific civic meanings. North American urban parks play a particularly important role in the context of North America's colonial roots and culture, representing the 'new world' moral integrity and natural abundance. Some authors have shown that the urban park itself became a symbol of pastoral purity amidst urban decay in colonized nations, after the environmental impact of industrialization in Europe seriously compromised people's quality of life. The urban park was part of an immigration publicity campaign to show the appeal of a 'natural' space and to

²¹ Mawani, R. (2003). Imperial legacies (post)colonial identities; Mawani, R. (2005). *Genealogies of the Land*.

²² Barman, J. (2005). *Stanley Park's Secret: The Forgotten Families of the Whoi Whoi, Kanaka Ranch, and Brockton Point*. Madiera Park, BC: Harbour Publishing.

²³ Mawani, R. (2003). Imperial legacies (post)colonial identities; Mawani, R. (2005). *Genealogies of the Land*.

differentiate the colonies from Europe. The park's symbolic moral purity is therefore historically crucial to colonial identities, and has been stringently maintained by discourse and regulation about who and what belongs in park space.²⁴

Despite efforts to constitute parks as a site of civic identity, urban parks have commonly been spaces of deviant sexualities in North America. Sexual danger, illicit encounter, and fear of assault have been explored in the literature on urban parks. Themes of fear and danger have been explored in depth, centering primarily on gay men, HIV or risk-taking, and on heteronormative women's recreational use of urban parks.²⁵ The literature on queer men in parks focuses largely on the practice of anonymous (or semi-anonymous) sex in park bathrooms. Historically, Steven Maynard²⁶ shows the "dialectical" response between law enforcement, surveillance, and anti-gay stigma with the emergence of queer subcultures in park bathrooms in Toronto. More recently, Eugene McCann and John Paul Catungal²⁷ published a paper on the regulation of queer sexuality in Stanley Park, arguing that there is significant discretion involved on part of the authorities governing sexualities in the park.

²⁴ For a discussion on the symbolism of the industrial versus the natural in colonial European context, see Williams, R. (1975) *The Country and the City*. New York: Oxford University Press.

²⁵ See for example Bachin, R.F. (2003) Cultivating Unity: The Changing Role of Parks in Urban America. *Places: Design Observer* 15(3): 12-17; Byrne, R. (2003). Setting the boundaries: Tackling public sex environments in country parks. Planning Research Conference at Wadham University, Oxford; Madge, C. (2008). Public parks and the geography of fear. *Journal of Economic and Social Geography* 88(3): 237-250.

²⁶ Maynard, S. (2004). Through a hole in the lavatory wall; Homosexual subcultures, police surveillance, and the dialectics of discovery, Toronto, 1890-1930. *Journal of the History of Sexuality* 5(2): 207.

²⁷ McCann, E. and Catungal, P. (2010) Governing Sexuality and Park Space: Acts of Regulation in Vancouver, BC. *Social and Cultural Geography* 11(1): 75-94.

McCann and Catungal examine the case of an AIDS monument and the contestation over its placement and to a lesser extent, the murder of Aaron Webster. Their analysis offers a view of how flexibility in public officials' enforcement of space regulation policy shapes contestation over park use and meaning. They argue that the meaning of park space is created through state governance. From McCann and Catungal's analysis of Stanley Park, I draw the active role of public officials making intentional planning choices in the struggle to constitute park space in ways that serve their purposes. I depart from their analysis however, in that my approach tracks the momentum spatial meanings gather as different voices, official and civic, respond to one another.

Researchers have also documented contemporary men's practices of anonymous sex in public bathrooms, occasionally in parks, such as Laud Humphrey's²⁸ classic study of the "Tearoom Trade" and Sumaka'i Fink and Press's²⁹ examining a large park in Israel that has become a central node of queer culture. Earlier studies, such as those of Humphrey and Delph³⁰ suggest that non-verbal communication makes up the subcultural fabric of anonymous queer men's sexual encounters. Later work such as Tewksbury,³¹ Déaz,³²

²⁸ Humphreys, L. (1975). *Tearoom trade: Impersonal sex in public places*. London: Duckworth Press.

²⁹ Sumaka'i Fink, A. and Press, J. (1999) *Independence Park: The lives of gay men in Israel*. California: Stanford University Press.

³⁰ Delph, E.W. (1978) *The Silent Community: Public Homosexual Encounters*. Beverly Hills: Sage Publications.

³¹ Tewksbury, R. (1995) Adventures in the erotic oasis: Sex and danger in men's same-sex, public sexual encounters. *Journal of Men's Studies* 4(1): 9-24.

³² Deaz, R.M. (1999) Trips to Fantast Island: Contexts of Rishy Sex for San Francisco Gay Men. *Sexualities* 2(1): 89-112.

Tewksbury and Polley,³³ and Douglas and Tewksbury³⁴ are attentive to the verbal communication between people engaged in cruising, as well as the emotional and intimate communication in these settings. All of these authors note that there is a code for engaging in cruising, and that straight-identified as well as queer-identified men engage in same-sex relations while cruising.

Much of the scholarship of cruising acknowledges the dangers associated with anonymous public sex between men, not the least of which is targeted violence against queer men. Douglas Janoff's³⁵ exemplary work on queer bashing discusses how in urban parks, law enforcement officials are more interested in arresting queer men using the park than they are in protecting the men's safety. Other authors, such as Lyons³⁶ show that the general public is less sympathetic to victims of queer bashing than they are to other types of hate crime violence, including racial attacks. His research demonstrates that the public perceives gay and lesbian victims as more deserving of the violence they experience, particularly when they display affection with a same-sex partner publicly. Others depart from this explanation and conceive of queer bashing as the perpetrators achieving sexual status among their peers³⁷

³³ Polley, N.M. and Tewksbury, R. (2010) Equal Protection at the Erotic Oasis: Examining Selective Prosecution Claims in Lewd Conduct Cases. *Criminal Justice Review* 35(4): 453-471.

³⁴ Douglas, B. and Tewksbury, R. (2008) Theatres and Sex: An Examination of Anonymous Sexual Encounters in an Erotic Oasis. *Deviant Behaviour* 29: 1-17.

³⁵ Janoff, D. (2005) *Pink Blood: Homophobic Violence in Canada*. Toronto: University of Toronto Press.

³⁶ Lyons, C.J. (2006) Stigma or Sympathy? Attribution of Fault to Hate Crime Victims and Offenders. *Social Psychology* 69(1): 39-59.

³⁷ Harry, J. (1990) Conceptualizing Anti-Gay Violence. *Journal of Interpersonal Violence* 5:350-358.

or as an outlet for their suppressed homoerotic feelings.³⁸ These models focus on the attackers over the victims, dividing them into three categories: opportunists, activists, and bystanders. In the backdrop (and occasionally foreground) of these discussions is identifying where it is acceptable to be a queer person. This social knowledge of queer space has major implications for the day-to-day lives of queer people, who by moving from one space to another must adjust their performance of gender and sexuality, in order to diminish their risks of violence.

Researchers seeking to understand why queer bashing occurs, generally agree that discrimination against queer people is the root cause of targeted violence. Exploring evidence of discrimination towards queer people, Henley et al.³⁹ studied representations of queer bashing and found that news media underrepresented the violence of queer-targeted attacks, compared to attacks directed towards straight people. This was especially true for the news sample targeted at a general audience, compared to the other newspaper examined, which was targeted to a queer-friendly audience.

Over the last 20 years, there has been substantial moral panic about violent packs of young men in urban parks. Welch, Price, and Yankey⁴⁰ explore this development, termed “wilding” by the media. They explain that this moral panic is strongly racialized and classed,

³⁸ McNinch, J. (2008) Queer Eye on Straight Youth: Homoerotics and Racial Violence in the Narrative Discourse of White Settler Masculinity. *Journal of LGBT Youth* 5(2):87.

³⁹ Henley, N.M., Miller, M.D., Beazley, J.A, Nguyen, D.M., Maninsky, D. and Sanders, R. (2002) Frequency and Specificity of Referents to Violence in News Reports of Anti-Gay Attacks. *Discourse and Society* 13(1):75-104.

⁴⁰ Welch, M. Price, E.A. and Yankey, N (2002) Moral Panic Over Youth Violence: Wilding and the Manufacture of Menace in the Media. *Youth Society* 34(1): 6.

reifying inequalities and fuelling stereotypes about young men of colour. Welch et al and other authors such as Duru,⁴¹ Sullivan,⁴² and Davies⁴³ discuss how the Central Park Jogger case, an incident in 1989 where a white woman was brutally raped in Central Park, have perpetuated racial tensions. Duru, Sullivan, and Davies focus their work on the case as an example of racism both in law enforcement and in news media. Duru convincingly argues that through cases such as this, black men are constructed as violent maniacs, travelling in roves with nothing better to do than victimize white women. This body of research figures substantially in my analysis here; understanding episodes of violence as phenomena that imbue meaning on social relations, particularly relations between groups of young men and the rest of society, offers much for my approach to both case studies here.

Research on narrative development and the social construction of public parks is broad and varied. Sandberg and Tollefsen⁴⁴ argue that concentrating on individuals' and communities' use of narratives combined with theories of social power and oppression gives geographers insight into how spatial meanings are produced. Their empirical findings about fear of violence in public spaces are consistent with other authors' findings. In general, research shows that people, especially women, are afraid of violence in parks, though there

⁴¹ Duru, N.J. (2003-2004). The Central Park Five, The Scottsboro Boys, and the Myth of the Bestial Black Man. *Cardozo Law Review* 25: 1315-1366.

⁴² Sullivan, T.S. (1992) *Unequal Verdicts: The Central Park Jogger Trials*. New York: American Lawyer Books/Simon and Schuster.

⁴³ Davies, S.J. (2005). The Reality of False Confessions – Lessons of the Central Park Jogger Case. *NYU Review of Law and Social Change* 30: 209-255.

⁴⁴ Sandberg, L. and Tollefsen, A. (2010) Talking about fear of violence in public space: Female and male narratives about threatening situations in Umea, Sweden. *Social and Cultural Geography* 11(1): 1-15.

are several examples of women or institutions attempting to make parks feel safer for vulnerable groups. Whitzman as well as Wesely and Gaarder⁴⁵ examine how second-wave feminist groups have tried somewhat successfully to reclaim public parks as safe spaces. Whitzman explores the how the ‘neutral’ and ‘official’ response to women’s safety concerns has marginalized other minorities in public spaces. She gives the example of queer men who engage in sexual relationships in parks being targeted by police under the rubric of “public safety.” From their findings, I am able to draw analytic tools about how civic responses to discourses of danger in parks is used to shape the meaning and identity of the park itself. Wesley and Gaarder had similar findings: they noted that civic initiatives to combat feelings of vulnerability is to increase urban surveillance in the park, qualitatively changing the experience of outdoor recreation and extending a different type of objectifying gaze further into the woods.

I aim to situate my research in the numerous foci of this literature – colonial ideas about the urban park as pure and untouched; moral and sexual regulation of unruly park users; the social geography of queer sex culture; heteronormative women’s use of park space vis-à-vis fear of violence; and images of sexual predators as wild men of colour in packs. Against this backdrop, my juxtaposition of violence towards human and non-human victims and the law-centered discourse at work in repairing the park’s image will highlight the cultural work performed to create a civic identity premised on the colonial concept of the land as an untouched wilderness and a site of civic participation.

⁴⁵ Whitzman, C. (2002) Feminist activism for safer social space in High Park, Toronto: How women get lost in the woods. *Canadian Journal of Urban Research* 11(2), 299-321; Wesely, J.K., and Gaarder, E. (2004). The gendered “nature” of the urban outdoors: Women negotiating fear of violence. *Gender and Society* 18(5): 645-663.

METHODOLOGY

This thesis brings together two case studies, which I examine textually. Drawing from a variety of documentary sources including court transcripts, police records, Parks Board meeting minutes, and policy documents. In addition, I searched local newspapers for the past 30 years, including any news coverage and letters to the editor regarding these two events.

For the flamingo case study, I began by placing orders for the court transcripts and the police records of the event. I requested the records through the Freedom of Information Act, and was granted limited access to court transcripts and denied access to the police records, as the accused was a minor at the time and his privacy is protected under Canadian law. While awaiting the police and court records, I reviewed the Vancouver Parks Board meeting minutes for the first half of 1992. Any mention of the flamingo event was recorded and analyzed. Additionally, I reviewed Parks Board meeting minutes for 1994-1995, leading up to the closure of the Stanley Park zoo. Here I explored how the Parks Board remembered the flamingo incident, if at all, and how the event may have influenced the permanent closure of the zoo.

These institutional records on their own gave me a timeline of how the event developed and was remembered, and provided invaluable information regarding the mandate and beliefs of the Parks Board. To understand how these discourses developed, the institutional records needed to be situated in dialogue with the media records. The news stories and letters to the editor more accurately reflected the public response to the incidents, which shaped as well as responded to institutional reactions. By examining how these sources interacted with each other, I was able to see the dialectical process of how Stanley Park is constructed.

The newspapers I looked at in the Flamingo case included the *Westender*, the *Vancouver Sun*, the *Georgia Straight*, and the *Maple Ridge Times*. The *Westender* is a local paper out of Vancouver's West End, adjacent to Stanley Park, and provided a community perspective absent from larger, regional papers. The *Vancouver Sun* and the *Georgia Straight* provided a regional perspective, the *Vancouver Sun* representing more politically conservative readers, and the *Georgia Straight* a more liberal, younger, and lower income audience. Both include letters to the editor, which, while selected for content by the editors, provide a rare voice from local citizens on their views of current events. The *Maple Ridge Times* were included because Jason Laberge, the accused in this case, was from Maple Ridge, and his representations in the media were frequently tied to his hometown. Comparing the Vancouver news characterizations of Laberge with those of Maple Ridge highlighted the ways in which place influenced representations and understandings of what this event meant. In particular, it revealed whether Laberge was considered out of place because he drove out to the park from Maple Ridge, and what this means for how Stanley Park's meaning is constituted.

Additionally, I contacted the Society for the Prevention of Cruelty to Animals (SPCA) to access any documents they produced in response to this case. Their representations of the flamingos augmented my understanding of public response to this case. Was this event considered heinous because of common understandings of flamingos as frail and exotic? From those observations I was able to ask what these struggles indicate about public understanding of Stanley Park. Should 'exotic' animals be in an unnatural 'natural' environment, where they, like Laberge, are out of place?

At the outset, I assumed that the case of Aaron Webster's murder would present some difficulty in accessing police records and court transcripts, because of the nature of the case and because two of the four accuseds were minors at the date of the event. This was not the case. I had a much easier time accessing these records than I did for the flamingo case. This was partly because the case was more recent and records were on file with the courts who heard the trials associated with the murder. I requested the documents from the Vancouver Police Department and British Columbia Court Services at the start of my project, and obtained the documents related to Ryan Cran and Danny Rao, the adults charged in the case, as well as some records for the youths charged (with their names made anonymous).

Other records I consulted included protest materials produced by Little Sister's Bookstore, who organized vigils and protests against queer bashing. Little Sister's bookstore owner Jim Deva was a central figure in the dialogue about violence against queer people in the West End and whether this event should be considered a hate crime in the trial. Documents produced by Deva and his supporters represented a powerful faction of Vancouver's gay community.

In addition, I accessed Parks Board meeting minutes and Stanley Park policy regarding this event, looking to records both around the time of the event and in the subsequent two years, looking at the evolution (if any) of Park regulation on public sex, as well as law enforcement for unruliness, alcohol consumption, or other indecencies. These records revealed the types of concerns that were raised in the interest of protecting the safety of park users, which I thought may include an emphasis on either groups of people consuming alcohol or inappropriate self-exposure and illicit sexual activities. These observations were central in uncovering how Stanley Park's identity was reimagined; there was no consensus as to whether the queer community should practice public sex, and whether this would be tolerated in Stanley Park.

The media sources I analyzed included news articles and letters to the editor for *Xtra! West*, the *Vancouver Sun*, the *Georgia Straight*, and the *Globe and Mail*. *Xtra! West* was a crucial local voice, representing debates and responses from the queer community regarding public sex, risk, and violence, as well as hate crime legislation. The *Vancouver Sun* and *Georgia Straight* were likely to engage in debates about public sex and risk, though these papers represented a more mainstream heterosexual audience. The *Sun* and the *Straight* were important representations of Vancouver's regional concerns, both influenced by and shaping public perception. The *Globe and Mail* was to represent a national voice, and so I presumed it would concentrate less on local debates and more on the legal aspects of this case, such as the Youth Criminal Justice Act and hate crime legislation. Like the *Sun*, the *Globe* was meant to represent a more politically conservative viewpoint than the *Straight* and *Xtra! West*, and I would therefore be able to see their different positions develop in dialogue with one another.

Critical discourse analysis, as I will engage here, goes beyond an explanation of what the content of a particular discourse or set of discourses is. It attempts to “explain [discourse] in terms of properties of social interaction and especially social structure.”⁴⁶ The ways in which social relations, especially unequal power relations, are constituted, created, validated, or dismantled in verbal and textual narratives, is central to discourse analysis. Because power relations are often maintained through nuance and subtlety, and Canada’s national identity has little room for an analysis of inequality, marginalization and privilege is often denied or goes unnamed.⁴⁷ As a result it is crucial to utilize analytic frameworks that look to the less overt ways social relations are made. In this case, looking for patterns and themes among textual sources from different positions (media, public officials, concerned citizens) allows us to see a 360-degree view of the ways in which consensus is created about what power belongs where. This type of analysis cannot be achieved without looking to a variety of authorial sources, nor can it be achieved without reading in to what people say; meanings and beliefs are often not stated but implied and become clear when placed side by side with other sources. Critical discourse analysis is therefore the most appropriate methodology for answering the questions I pose here.

⁴⁶ Van Dijk, T.A. (2001) Critical Discourse Analysis. In *The Handbook of Discourse Analysis*. Eds. Deborah Schiffrin, Deborah Tannen, Heidi Ehemberger Hamilton. Maldon, MA: Blackwell Publishing. 353.

⁴⁷ See for example Jiwani, Y (2006) *Discourses of Denial: Mediations of Race, Gender, and Violence*. Vancouver: UBC Press. Xvii.

**“NO MORE WAFFLING AROUND!”: THE REPRESSIVE HYPOTHESIS
AND VANCOUVER’S QUEER LIBERATION**

When Aaron Webster was murdered, the city was outraged. Vancouver prides itself on having mostly transcended homophobia and identifies itself as a place of ‘tolerance,’ openness, and safety for queer people. When the brutal beating of Aaron Webster occurred in 2001, resulting in his death, members of both the queer community and the broader Vancouver population were struck with sadness and disbelief. The overwhelming response from the public was anger, directed mostly at the state. Letters to the editor published in newspapers and magazines, angry phone calls to radio stations criticizing politicians and political parties, calls for the public to write a letter to their MLA demanding change, were among the actions people took in response to this tragedy. In this chapter, I will engage with this public response vis-a-vis the “Repressive Hypothesis” and Foucault’s rejection of it. I will argue that the public’s call for an increased role of state protection for gay, lesbian, and transgendered people can lead to an increase in state administration of sexuality. An increased role of the state does not liberate and protect minority groups but rather increases and authorizes social power in political, legal, and medical institutions through proliferating

discourses on sexuality.

As Foucault describes it, the Repressive Hypothesis states that sexuality became unspeakable in the 17th century. Foucault explains that “modern prudishness was able to ensure that one did not speak of sex, merely through the interplay of prohibitions that referred back to one another: instances of muteness which, by dint of saying nothing, imposed silence. Censorship.”⁴⁸ Sexuality was strictly confined to the marital bed; any sexual activity, relations, or desires occurring outside the heterosexual married couple were quickly and sternly silenced, resulting in a society of repressed sexuality. According to the Hypothesis, the reason behind such silence was that a changing economic milieu and an increased importance on productivity viewed any non-utilitarian sex - that is, sex for pleasure - to be wasteful. However, Foucault argues that the Repressive Hypothesis was itself a kind of discourse, and the volume and exactitude with which sex was talked about exploded after the 17th century, including (and especially) outside marital relations. All people, even those without the ability to marry and reproduce, such as small children, were compelled to discuss sexuality in great detail, and for more than the purposes of objective public record. Foucault writes that “one had to speak of it as a thing to be not simply condemned or tolerated but managed, inserted into systems of utility, regulated for the greater good of all, made to function to an optimum. Sex was not something one simply judged, it was a thing one administered.”⁴⁹ Through institutions like law, medicine, psychiatry, education, as well as the family, sexual discourse proliferated and with it came increased state power and social control.

⁴⁸ Foucault, M. (1990) *History of Sexuality Volume 1*. New York: Vintage Books. 17.

⁴⁹ *History of Sexuality*: 24.

Foucault's characterization of the Repressive Hypothesis is useful for thinking about discourses of queerness in Vancouver. Vancouver situates its own identity in opposition to repression; most residents and visitors characterize the city as sexually diverse and progressive. Vancouver's thriving and celebrated gay neighbourhood, the West End, serves as evidence that queer people in Vancouver are not silenced and closeted as in decades past or in other places. This translates to a civic conception that queer people in Vancouver are relatively free of social control over their sexuality. However, using *The History of Sexuality* as an analytic lens we can see that in Vancouver, queer sexuality is regulated and employed in voluminous detail across multiple institutions. Indeed, even the discourse of Vancouver's tolerance and progressive nature is a tool of city-making employed by the tourism industry, the media and film industry, the fashion industry, real estate, the non-profit sector, as well as law, public policy, and health. Institutions that seem to be completely unrelated to sex find ways to weave queerness and queer sexuality through their defining discourses. Same sex marriage, for example, is not only a major feature of editorial debate, legal policy, and the marriage industrial complex, but it is also an unrelenting cornerstone of how Vancouver now defines itself socially.

The civic response to Aaron Webster's murder in November 2001 therefore permeated and unsettled not just the queer community but many aspects of Vancouver's civic culture. Webster was cruising in Stanley Park, an area known for anonymous or semi-anonymous sex between men (but also between straight couples). As *Xtra West* reported, the park "is definitely one of the city's historical gay spaces."⁵⁰ One West End resident referred to public

⁵⁰ Hainsworth, J. Cruising Curfew: Sexual Freedom. *Xtra West!* Dec 21 2005.
<http://www.xtra.ca/public/viewstory.aspx?AFF_TYPE=4&STORY_ID=1228&PUB_TEMPLATE_ID=2>

sex in Stanley Park as “just part of the ‘cultural black market, ...It's a sexual cultural imperative.’”⁵¹

On November 17, 2001, it is alleged that a group of four straight suburban male youth went to this area of Stanley Park at night for the purpose of attacking sexual deviants they knew to frequent the area. That the area is known to be a queer sexual space made it seem that these youth were going to the Park for the premeditated purpose of committing a violent act against queer people, a point they did not deny at trial. However, their defense council maintained that the “deviants” they intended to attack were “peeping Toms” rather than gay men. It was alleged that one of the youth, Ryan Cran, had been the victim of a peeping Tom several months before, during an intimate moment with his girlfriend in his car in Stanley Park, and was seeking revenge against such “deviants.” All four of the young men were charged with manslaughter; the two youths, A.C. and J.S. were tried in juvenile court in exchange for testifying against the adults, Ryan Cran and Danny Rao. The judge in the youth cases accepted the prosecution’s point that even if the accused did not know Webster was gay and instead thought he was a voyeur, the incident was still a Hate Crime, as that area of Stanley Park was known as a gay space.⁵²

However, the judge in the trials of Cran and Rao rejected that logic, since Peeping Toms are not a protected group under Canadian Criminal Law. The defense’s argument about the boys visiting the Park for the purposes of revenge against an alleged Peeping Tom was intended to avoid Hate Crime legislation, which carries a heavier sentence than

⁵¹ Hainsworth, J. Cruising Curfew: Sexual Freedom. Xtra West Dec 21 2005.
<http://www.xtra.ca/public/viewstory.aspx?AFF_TYPE=4&STORY_ID=1228&PUB_TEMPLATE_ID=2>

⁵² McCann, E. and Catungal, P. (2010) Governing Sexuality and Park Space.

manslaughter. It also demonstrates the violent defense of heteronormative masculinity the youth were displaying and how this response seemed more reasonable and deserving of less punishment than a Hate Crime. According to defense council, when Cran felt humiliated by the Peeping Tom, he needed to reassert his dominance by exercising violent revenge on the perpetrator himself or someone representing that group of sexual deviants. In effect, he was entering the deviant space and causing bodily harm to its inhabitants while emerging unscathed himself. This scenario calls to mind Sherene Razack's description of the murder of Pamela George, an Ojibway woman working in the sex trade and killed by two white male and middle class university students. According to Razack, these men went 'slumming' in inner city Winnipeg, encountered George, forced her to perform oral sex, and then murdered her. For Razack, this violence was one that constituted the racial, male, and heteronormative subjectivities of these men. Of this encounter she writes, "[m]oving from respectable space to degenerate space and back again is an adventure that confirms that they are indeed white men in control who can survive a dangerous encounter with the racial Other and who have an unquestioned right to go anywhere and do anything."⁵³

Similarly, one could argue that Cran and his companions were asserting their status as white, heteronormative men entering a dark, queer, feminized space of sexual deviance, and causing harm to the bodies therein. Afterwards, they withdrew to their normative spaces of suburban high school, hockey teams, and heterosexual romance. At trial, it was argued that the youth thought Aaron Webster was one of the Peeping Toms that hung around in Stanley Park at night waiting to spy on straight teenagers having sex in their cars, and so they

⁵³ Razack, S. (2002) *Gendered Racial Violence and Spacialized Justice: The Murder of Pamela George*. In *Race, Space, and the Law: Unmapping a White Settler Society*. Toronto: Between the Lines Press. 127.

attacked him. However, as the judge presiding over Ryan Cran's trial pointed out, "[w]hat motivated this group to chase and beat Mr. Webster remains... obscure. On the evidence before me, it appears to be because they were looking for peeping toms or voyeurs based on the previous incident in which a man had peeked into Ryan Cran's car while he was with his girlfriend, and, as Mr. Weber said in his submissions, came across a man who caught their attention because he was alone and naked."⁵⁴ It is not reasonable for the youth to assume that Webster would have had anything to do with the Peeping Tom he encountered once before; Webster's position as a naked person in the woods at night in a space of deviance was enough to make him a target of violence. Indeed by the youth's own account, their deliberation process was brief: one of the accused reported that "[a] naked man came out of nowhere, smoking. They sat there and stared for a few seconds, then someone said "get him."⁵⁵

The response to Aaron Webster's death was highly political, and also deeply personal. Vancouver's broader community as well as the queer community felt that this was in fact a homophobic attack, and not related to voyeurism or Peeping Toms, irrespective of what defense counsel argued. They also felt that this attack was clear evidence that the government does not care about gay people. This anger towards the state was an incongruous response for three reasons. First, people vocalizing their disdain claimed at once that homophobic violence was not anomalous and that this type of attack happens all too often. Second, the link between policy and violence seemed natural in the minds of outraged citizens. The existence of anti-Hate Crime legislation and the continued occurrence of Hate

⁵⁴ Decision in the trial of Ryan Cran, Feb 8 2005.

⁵⁵ Decision in the trial of A.C., youth charged with Manslaughter in the death of Aaron Webster. Dec 10 2004.

Crimes did not soften people's points about the need for state action. Third, the personalization and communalization of sexual acts translated into the queer community taking Aaron Webster's murder as a state attack on queerness as a whole.

Vocal citizens wrote letters to politicians and newspapers in the wake of the attack, expressing their disgust at being treated as second-class citizens and living in a city where queer bashing is allowed to happen and even condoned by the state. The sentiment was that if a stronger set of policies against this behaviour existed, it would not occur. In a letter to the Minister of Justice, one community member wrote, "No longer can segments of society be segregated [sic] and separated from the whole. As long as this kind of behaviour is condoned, it sends a strong message that we, as citizens of this country, are to be treated with disdain, with violence."⁵⁶ Another wrote, "I want some answers right away, and more than that, I want some action, right away! No more waffling around!"⁵⁷ The idea that an act must be allowed or condoned by the state in order to occur is not reasonable; laws exist with extreme penalties for certain crimes and yet the crimes still occur. Hate Crime legislation in Canada does list sexual orientation is legally protected from targeted violence. Therefore it is worth interrogating why public policy and politicians were the targets of community disdain, as opposed to straight youth or young men or some other more directly responsible actor in this event. I suggest that in targeting policy and public administration as the sources of blame, people unwittingly gave power back to the state rather than creating change at a grassroots level.

⁵⁶ Public letter to Minister of Justice. November 29 2001. From www.samesexmarriage.ca. Accessed November 3 2010.

⁵⁷ Public letter to Minister of Justice. November 25 2001. From www.samesexmarriage.ca. Accessed November 3 2010.

We can explore this community reaction by looking at the events Foucault describes surrounding Jouy, the “simple-minded” farm worker who, in 1867, was found engaging in sexual relations with young girls.⁵⁸ The degree of consent between Jouy and the girls is not clear. The community objected to this “game” and Jouy was subject to various medical and judiciary examinations and judgments. Foucault explains that what is unique about this incident and its aftermath is that Jouy’s actions were not “simply contemptible” but needed to be blown out into technical, intersectional institutional detail. The quality of Jouy’s soul needed to be analyzed, classified, and prescribed. An important difference between the murder of Aaron Webster and Jouy’s activities in 1867 is what Foucault identifies as the “pettiness” and “inconsequential” nature of the Jouy case. The impact of Jouy’s actions on the young girls he was with should be up for debate, though that is not my purpose here. There is no doubt, however, that Aaron Webster’s murder had severe consequences on the community and city as a whole and was not petty . However, in neither case was it enough to condemn the actions of the accused. Rather, citizens, public officials, the court system, and the media needed to go through public debates as a way to define appropriate sexuality, how to maintain it, and what the role of the state should be in this process. In the Aaron Webster case, the state became the adjudicator and protector of queer sexuality.

Much like the case of Jouy, several institutions interrogated the meanings of queer sexuality in the wake of Aaron Webster’s murder. Jouy was questioned “concerning his thoughts, inclinations, habits, sensations, opinions,”⁵⁹ and in the end his entire self was archived as a source of knowledge. Although in the Webster case there was some discussion

⁵⁸ Foucault, *History of Sexuality Volume 1*: 31.

⁵⁹ Foucault, *History of Sexuality Volume 1*: 31.

about who the accused were and where they were from, most of the public discourse centered on the question of sex between men. In other words, the death of Aaron Webster became a case focused on appropriate forms of sexuality rather than violence. The incident was a pedagogical moment, or knowledge archive, about queer sexuality.

Of particular interest to multiple public forums were the details and practices of anonymous sex in public places, which Aaron Webster was said to be engaging in on the night of his death. An article in the *Globe and Mail* reported considerable detail on this practice, informed by a local man who also goes to Stanley Park for sex with other men. The article reports: “Mr. Takhar, 39, said he has been going to the park for about 10 years and anticipates finding 15 to 20 people on the stroll on a weekend night, fewer during the week. He has seen men from [age] 18 to 80 there. The sex -- which he said could be in groups -- takes place near the well-worn path through the woods, not far from the road.”⁶⁰ I am drawing a parallel here between the institutions in Lapcourt who felt the need to go “so far as to measure the brainpan, study the facial bone structure, and inspect for possible signs of degenerescence the anatomy of this personage”⁶¹ and the institutions in Vancouver who applied this type of exactitude not to the bodies but to the sexual culture of queer men in the park. This kind of minutiae and detail shows the public’s absolute intrigue with sex outside the marital bed, and Aaron Webster’s murder was used as a vehicle to catalogue knowledge about it. It should be noted that significantly less detail was reported surrounding group violence and lynching among straight youth; this was taken as a sad fact rather than an underworld to be excavated. Public attention was focused on Webster as a sexual being and

⁶⁰ Matas, R. (2001) Park Slaying Won’t Stop Encounters by Gay Man. *The Globe and Mail*, November 20 2001: A3.

⁶¹ Foucault, *History of Sexuality Volume 1*: 31.

others like him, rather than on the perpetrators of the crime. Recalling that Ryan Cran referred to the murder as a lynching, we can again draw parallels from Webster's murder to the innumerable killings in the US of black people by white people wishing to assert their social dominance. That the discourse around this event was centered on queer people's sexuality and not on straight youth and violence suggests that the murder was in fact (directly or indirectly) about controlling a marginalized population.

Using Aaron Webster's murder as a lens, we can see community activism, legal discourse, public policy, as well as other constituencies including religious groups producing the multiplicity of discourse around queer sexuality in Vancouver. This contradicts the Repressive Hypothesis - which maintains that sexuality is unspeakable unless material productivity is the primary function of a sexual act - because sex between men is 'unproductive' in the material sense but still a subject of great intrigue to the general public. This multiplicity of discourses emerging out of Aaron Webster's murder also contradicts the popular notion that Vancouver has transcended sexual repression. In fact, the aftermath of this incident shows that people are very interested in discussing queer sexuality and *how it should occur*, demonstrating that there is much power bound into understandings and dialogues about sex, even in contemporary Vancouver.

Foucault tells us that in the seventeenth century, sexuality came to be seen as part of who one is, not simply what one does. "The homosexual" emerged as a category with characteristics, whereas previously sex between men was considered to be the act of 'sodomy' without strong ties to particular personalities, aesthetics, appearances, or social backgrounds. Sodomy was "a category of forbidden acts; their perpetrator nothing more than

the juridical subject of them.”⁶² In the late seventeenth century, sex with someone of the same gender and oneself came to be less important than “a certain quality of sexual sensibility, a certain way of inverting the masculine and the feminine in oneself.”⁶³

Queerness becomes not only an identity over an act but also as the twentieth century rolled on, it became a group identity. This personification of sexual acts into identities and groups brings innumerable effects, not the least of which being that it binds discourse of sexuality with the state and with human rights. In the contemporary context, scholarly and popular discussions of identity politics fiercely tie marginalized characteristics with rights, citizenship, representation and recognition. We can see this taking shape in the public response to Aaron Webster’s murder because people are objecting to the state’s lenient or non-response by saying it clearly shows that they are less valued citizens. A lesbian West End resident wrote to the Minister of Justice that “a growing number of lesbians, gays, bisexuals and transgender people believe that we already belong just by being here, just the way we are. Rest assured, we will continue to seek what is rightfully ours as citizens of this country.”⁶⁴ The link between the community’s value and rights and the private attack on an individual is not the natural, obvious direction of response, and deserves closer attention.

As Foucault would argue, this response is historically specific; several centuries ago, when someone was murdered shortly after engaging in a sexual act, the community of people who also engaged in that particular act would not be especially relevant or interested. Rather,

⁶² Foucault, *History of Sexuality Volume 1*: 42.

⁶³ Foucault, *History of Sexuality Volume 1*: 42.

⁶⁴ Public letter to Minister of Justice. November 29 2001. From www.samesexmarriage.ca. Accessed November 3 2010.

the act of the murder would be interrogated and patterns of violence would likely be seen as the more pressing concern. The queer community felt that the death of Aaron Webster demonstrated that their entire community was disposable to the state and that they as people were “second class citizens” One woman wrote to the Minister of Justice, “[a]m I to assume from your appalling lack of action that you also hate gays, lesbians, bisexuals and transgendered citizens?”⁶⁵ Vancouver as a whole too took this as an assault against civic identity; if “we” do not treat “our” minority groups with respect, we can no longer identify as a tolerant, diverse and global city. The separation of the act of homosexual sex from the identity, community, and way of being is clear; the discourse around Aaron Webster engaging in sex with men in public was not only an attack on queerness in general but an affront to the whole city.

This response amounts to a vicious cycle. The queer community’s claims as to who they are as a group, shown through detailed and intersecting discourses about rights, citizenship, and unique culture, and not simply the act of sex between men or even in this case, anonymous public sex between men. In the contemporary context queerness is discussed collectively more often than in previous years, expressed as a group identity, infused with identity politics of rights and citizenship. As such, when a member of the queer community is attacked, the responsibility for the attack is placed with the state to value and protect that collective identity rather than just the individual. Governed by policy, the state expounds minutiae, dissecting in clinical detail the aspects of not just instances where this policy becomes relevant, but also the limits and inclusions of the policy in general.

⁶⁵ Public letter to Minister of Justice. November 25 2001. From www.samesexmarriage.ca. Accessed November 3 2010.

In the case of Aaron Webster, we can see this dynamic unfold seamlessly: Webster was engaging in cruising – seeking anonymous or semi-anonymous sex with other men in a public place - a practice known to be part of the local gay culture, historically and in the present. He was seen by young straight men who were, by their own account, seeking to harm voyeurs they thought to frequent the area. Webster was attacked by these young men and died as a result of the violence inflicted. After this occurred Vancouver's queer community and other communities in Vancouver mourned his loss; vigils with thousands of attendees were held on Davie Street near Webster's home, and vocal citizens cried out for justice. The event was read by the queer community as a queer bashing and a collective attack on gay people as a group.

The young men were arrested and tried for murder. The defense and crown both spent a considerable amount of time discussing the purpose of Webster's visit to Stanley Park that night, and whether or not the group of young men would have known Webster was gay or was engaging in anonymous sex with other men that night. The purpose of these lengthy dialogues were to determine whether or not the murder was a Hate Crime or a premeditated murder targeted at a population covered under the Canadian Criminal Code. The public, including media and public forums, responded with intense debates on morality and safety, regarding whether or not cruising is or should be an integral part of queer Vancouver culture. At the same time, the state was enforcing new regulations regulating public parks in Vancouver. During the trial for Ryan Cran in 2005, the City of Vancouver erected signs at other known cruising areas reminding visitors that it is illegal to be in public parks or beaches between 10 PM and 5 AM.

The West End community was aware that this was a measure meant to exclude men

seeking public sex. *Xtra West* reported that “[w]hile Parks Board officials say the signs are only intended to empower police should they need to kick rowdies off the beach at night, one gay man who’s been cruising in the area for 30 years says it could be the thin end of the wedge in cracking down on cruisers there and in Stanley Park.”⁶⁶ Long-time West End resident Walter Muller called the Parks Board about the new signage, and was informed that the signs were to manage partying on the beach after hours. Muller’s response to this was “You bastards, another sign. Do we need yet another restriction?”⁶⁷ This collective nature of the public safety measures taken to regulate the cruising area extended well beyond state measures and into the culture of cruising itself. One source even cites Aaron Webster’s murder as a warning to other men cruising in the area. An online cruising guide writes: “This is where Aaron Webster was murdered (I believe), so just be careful about who you approach and who approaches you in the dark. For good or bad, Aaron Webster’s murder has made this section of the park well known as a cruising area, well known to the public and the cops, the latter of may patrol for activity. Most postings for trail action in Stanley Park always list Lees Trail, but nighttime action takes place along this section of Rawlings Trail, as Lees Trail is really really dark at night.”⁶⁸ This writer is demonstrating that the response to Webster’s murder turned the eye of scrutiny on the cruising site and not on groups of young suburban men. In effect the cruising spaces are intensified as queer spaces where deviant sexuality can be viewed and monitored by the state.

⁶⁶ Cruising Curfew: Sexual Freedom.

⁶⁷ Cruising Curfew: Sexual Freedom.

⁶⁸ Stanley Park Rawlings Trail Description. From <http://www.cruisinggays.com/Vancouver/Cruising-Areas/25134-Stanley-Park-Rawlings-Trail/>. Accessed December 19 2010.

This proliferation of discourse, both at a political-legal level and at a public consensus-building level, about queerness happened in the wake of this attack because the murder was seen as an attack on queerness, rather than an attack on an individual. Likewise the actual regulatory changes, such as the park signage restricting access to the park at night, therefore creating a barrier to a sexual practice of queer Vancouver culture, occurred in direct response to this detailed public discussion about the interpersonal sexual practices of this particular community. From Foucault's point of view, these developments are linked to the production of the homosexual as a "species."⁶⁹ Its result is increased scrutiny and regulatory power. Micro-regulations through discourses on space, including debates on safety and morality, HIV/AIDS, condom use, and normative monogamous families flesh out this category. In different ways, the production of the category of queerness resulting from the heightened scrutiny over sexuality, creates queerness as way of being that has specific qualities and characteristics.

Foucault's claim that the homosexual emerged as a category rather than a set of acts or behaviours is not unchallenged. Lynne Huffer (2010) writes that it is Foucault's primary concern for the morality of sexuality that leads him to take this view.⁷⁰ Huffer contends that by looking at the history of sexuality from a sex and gender systems perspective, we ironically come to a more Foucauldian and genealogical perspective, which sees identity and experience in a far more iterative model. David Halperin (2002) too criticizes this point, claiming that Foucault himself moved away from an historical distinction between sodomy

⁶⁹ Foucault, *History of Sexuality Volume 1*: 42.

⁷⁰ Huffer, L. (2010) *Mad for Foucault: Rethinking the Foundations of Queer Theory*. New York: Columbia University Press. 49.

and the homosexual.⁷¹ He argues that prior to the nineteenth century, sexual acts and identities were in fact closely linked, because sexual practices became an important part of how a person understood and expressed sexuality over time, and because sexual acts were the individual's way of representing her or his subjective position.⁷² If these claims are correct, then what accounts for the proliferation of public discourse about the sexual practices of queer people following Webster's murder? Why did the courts, various media sources, the Vancouver Parks board, the West End community, and others not treat this crime as an act of violence towards a man?

The emergence of identity politics and civil rights for minority groups have created massive improvements in the global social fabric. It has opened the possibilities for anti-repression (including anti-sexual repression) to become inherently and inextricably tied to politics. This gives the state a rightful entry point into the private lives of citizens, and indeed entire groups of citizens, organized in this case by sexual preference and practice. This is not necessarily negative, and it is easily argued that the benefit far outweighs the cost. However, viewing the climate of tolerance, rights, liberation, and full citizenship as a type of discourse itself allows us to understand the ways in which power is negotiated between the state and the people. In many ways, when the state takes a stance on sexuality does not liberate people from power being exercised over their sexuality. Further, when this occurs the minutiae in rights discourse intensifies the gaze on the unit, increasing the capacity for proliferation of discourse and state intervention.

⁷¹ Halperin, D. (2002) Forgetting Foucault: Acts, Identities, and the History of Sexuality. In *Sexualities in History: A Reader*, Eds. Kim M. Phillips and Barry Reay. New York: Routledge. 2002. 44-45.

⁷² Halperin, Forgetting Foucault: 38.

With liberation comes protection and with protection comes regulatory power. However, this does not mean sexuality is repressed; in this case we can see quite the opposite. Vancouver's queer community thrives, but it is not free and unimpinged upon as Vancouver imagines it to be. Aaron Webster's death showed that everyone was interested in the details of gay men's sex lives in Vancouver, even though the murder itself had little to do with sex between men. These discourses produced Vancouver's identity as a free, tolerant space that embraces diversity. Foucault explains this as a spiral: perverse sexualities thrive precisely because of the discourse that engages them. Vancouver's queer community flourishes within the context of this attention, although this leads to regulation both conceptually and practically. In the wake of Aaron Webster's death, this played out as dialogue about gay sexual morality (as a group), increased policy scrutiny, and prohibitive regulations restricting access to parks at night, in effect restricting access to a cornerstone of queer sexual culture in Vancouver.

“BUT HE KEPT CHICKENS ON THE FAMILY FARM”: THE FLAMINGO MURDERS, PUBLIC DISCOURSE, AND THE MAKING OF VANCOUVER

On January 29th, 1992, four young men broke in to the Stanley Park zoo. They entered an enclosed area that housed the Chilean flamingos, and one young man, Jason Wayne Laberge of Maple Ridge, BC, brutalized six of the seven flamingos in the pen. He allegedly hit them with a broom handle and broke their legs, leaving four dead and two in critical condition (the two injured survivors were later put down by Park veterinarians).⁷³ The public was shocked and distressed at the attack; hundreds of phone calls poured into the zoo expressing condolences and support. Vancouver residents quickly began to offer the Vancouver Police Department and the RCMP thousands of dollars in reward money for whoever turned in the culprits.⁷⁴ Prior to any arrests being made, media speculation characterized the attacker as a crazed lunatic. Jamie Lamb, columnist for the *Vancouver Sun*,

⁷³ Gram, K. (1992) Upset Animal Lovers Donate Cash to Nab Flamingo-Killer: Sixth Victim Given Small Odds at Life. *Vancouver Sun*, Jan 31 1992: B3.

⁷⁴ Lamb, J. (1992) Cross-Border Shunt Only Kind Act to Offer Lonesome Survivor. *Vancouver Sun*, February 8, 1992: A4.

wrote,

The rewards posted to date, now in double-digit thousands, will likely go unclaimed. The consensus seems to be that the act was committed by someone mentally ill, a lost soul plagued by unknown demons. Possibly the assailant was attracted that cold and rainy night by the light and heat of the flamingo enclosure. The assailant had to scale an eight-foot fence, scramble down a dark and slippery muddy path, cross an 18-inch catwalk, break down a second fence. The why of it will likely never be known.⁷⁵

Lamb's lurid language and dramatic description of the scenario demonstrates how the discourses surrounding the event depicted the attacker as someone who did not belong in the city. Public dialogue immediately crafted a monster narrative, to assert that someone who would harm a flock of frail, exotic birds in Stanley Park, also the heart of Vancouver, is unlike 'us.'

An anonymous tip to the Burnaby RCMP led to the arrest of Jason Laberge and two other juveniles against whom the charges were eventually dropped.⁷⁶ Laberge's arrest countered the image of the attacker as a deranged monster. In fact, Laberge was a young, white, suburban working class man who loved cars and had a good relationship with his family. He had a girlfriend and an active social network. However, he also had recent trouble with the law, including charges of mischief and theft.⁷⁷ Overall, Laberge was just an ordinary young man who was just like "us." In the wake of his arrest, Laberge was commonly depicted as a kid going through a rough patch – a significant departure from earlier characterizations of the flamingo killer as a wild maniac.

⁷⁵ Lamb, Cross-Border Shunt: A4.

⁷⁶ Police Close Book on Bird Killings. *Vancouver Sun*, Feb 17 1992: B14.

⁷⁷ Alleged Flamingo Killer Charged in Car Fire Case. *Vancouver Sun*, February 19, 1992: B3.

In context of the public outrage at the crime, Laberge was charged with breaking and entering, which carried a heavier sentence than cruelty to animals, which was the original charge. Laberge was found guilty for this offence and also for lesser related charges. He was sentenced to 10 months in New Haven, a minimum-security prison in Burnaby, and was also fined \$9000, the total retail value of the flamingos.⁷⁸ After serving just over two months of his sentence, Laberge walked away from New Haven. Thereafter, he stole a car from a nearby gas station, and drove to Banff, Alberta, where he camped in Banff National Park with three other youths in conflict with the law.⁷⁹ He was eventually returned to prison with additional charges of auto theft, carrying a concealed weapon, and mischief. As for the surviving flamingo, it was transported to Woodlands Zoological Park in Seattle, Washington, as flamingos are social creatures and would not have thrived as the only bird of its kind in Stanley Park.

In this chapter, I will explore how Laberge remained humanized in discourses surrounding the flamingo murders, despite public outrage and disgust at the violent crime he committed. I will make the point that in contrast to Ryan Cran's crime, Laberge's actions supported a larger civic-making agenda vis-à-vis the meaning of the Park space; the dominant discourse was that the flamingo attack drew attention to the claims that flamingos did not belong in Stanley Park. Rather, popular opinion found that the Park should be 'left' to its 'natural' state. Supporting this notion is media, official, and civilian representations of the Park as a wilderness, a space where young men lose capacity for reason and behave like animals. The concept that Stanley Park is an untouched wilderness and 'raw nature' supports

⁷⁸ Todd, D. (1992) Flamingo Killer's Sentence a Hornet's Nest of Issues. *Vancouver Sun*, April 29, 1992: B12.

⁷⁹ Sheehan, A. (1992) Flamingo Killer Back in Custody. *Vancouver Sun*, May 29 1992: A1.

the colonial erasure of Aboriginal presence on the territory prior to colonization. This is how colonial Canada wants to see Stanley Park. I contend that it is this set of circumstances that allows Laberge's character to remain relatively intact in discussions of the incident, even though people considered his behaviour appalling.

In both the flamingo case and the murder of Aaron Webster, the public responded to the crimes with claims of who 'we' are as a city and a nation. People often define themselves in opposition to others; Canadians largely see themselves as benevolent and tolerant, and reject those committing overtly violent or exclusionary acts as being 'un-Canadian.' We see this process occurring in multiple sites and among various institutions, including public officials, news media, education, civic celebrations, and so on.⁸⁰ In developing and communicating a narrative about those deemed un-Canadian, a parallel discourse about belonging and identity lurks barely below the surface. Along with this narrative are lessons on what we presume to be a consensus of our collective values, and on our social hierarchy. Since these lessons shape our behaviour and our social world, it is useful to engage in an analysis of how we characterize our social demons, as it reveals much about how we become who we are.

The depiction of a group of young men travelling in violent packs and thinking as a group appears in various texts surrounding both the flamingo case and the Aaron Webster case, including newspaper coverage, letters to the editor, court transcripts, and statements from the municipal government. The idea that groups of young men have one brain between them and that young men's capacity for reason is suspended when they are travelling in

⁸⁰ Mackey, E. (2002). *The House of Difference: Cultural Politics and National Identity in Canada*. Toronto: University of Toronto Press.

social packs, particularly in urban parks at night, is rampant through the discourse surrounding these violent incidents.⁸¹ The park appears to be a place where reason is suspended and young men's supposed animal instincts take hold. Laberge contended that he did not know what overcame him, and that the taunts his peers chanted pushed him towards actions he would not otherwise committed. Indeed, the description of the night the flamingos were killed is somewhat tribal. His lawyer claims, "He was egged on by his friends who chanted, Kill all the birds!' after which Laberge entered the flamingo pen to flush the birds of a night cage and into a pond."⁸² Further, drunkenness figured into these discussions, as did age – older members of a group with a 5-year age span are cited as having tremendous influence on the younger members of the group - at once excusing the bad behaviour and condemning the whole demographic. But beyond that, comparing the characterization of Jason Laberge with that of Ryan Cran - who were similarly situated as boys in their late teenage years and who committed unprovoked, violent acts in Stanley Park among a group of their peers, resulting in the death of an innocent being - we notice that these men and the acts they committed are described quite differently from one another.

In surrounding newspaper coverage, both the accused are depicted as heartless, uncompassionate, and are seen to be "boasting" about their crimes.⁸³ Particularly in citizen's letters to the editor, their carefree attitude towards violence is highlighted with a marked tone of disgust. As one man writes to the Minister of Justice in response to Aaron Webster's murder, "[j]ust a few months ago two women were attacked leaving a bar that catered to

⁸¹ Welch, M, Price, E.A. and Yankey, N. Moral Panic Over Youth Violence.

⁸² Man Guilty in Flamingo Deaths. *Vancouver Sun*, April 25, 1992: A1.

⁸³ R. Vs. Cran. February 8 2005: 27.

lesbians. I went to the court house [sic] to see what kind of people did these terrible things. In the waiting area I sat directly across from the culprits. They were young men in their early 20s, laughing and joking about their day in court. There were no signs of remorse.’⁸⁴ While the consensus was that each of these men were in the wrong, the reasons for their indiscretions appear to differ: narratives around Laberge depict him as a victim of circumstance, while Cran is described as a natural monster.

Laberge’s ‘rough patch’ figures centrally in how the media reflected public understandings about the flamingo attacks. Within the year leading up to the flamingo incident, Laberge had been charged with mischief - a car bombing - as well as auto theft in two separate incidents.⁸⁵ While this might seem like a further condemnation of his character, interviews with his family illustrate their support around what amounts to a difficult phase of depression. Laberge’s defense leaned heavily on his state of mind, that he was being treated and medicated for depression with the then-new drug Prozac. Partly as a result of the flamingo case (and also the suicide of a Kamloops teenager), a federal report on Prozac was released that year. It stated that “[t]o the opponents of the drug it is a poison foisted on the population by a corporate balance sheet to kill citizens,”⁸⁶ demonstrating how those who responded poorly to Prozac were very much victims in the public eye. The judge would not take Laberge’s Prozac defense into account when delivering the eight-month sentence, but

⁸⁴ Thornhill, L. and Peacock, B. Letter to the Minister of Justice. November 22 2001. Online at <www.samesexmarriage.ca,> accessed October 19 2010.

⁸⁵ Bellett, G. (1992) Flamingo Killer’s Father Cries Foul At Police. *Vancouver Sun*, May 1 1992: B3.

⁸⁶ Francis, R. (1992) Kamloops Coroner Calls for Probe of Psychiatric Drug. *Vancouver Sun*, July 27, 1992: B3.

his defense did add another dimension to the ways in which Laberge was characterized by the media.

In conjunction with heavy peer pressure, Laberge, who was deemed to be under the influence of antidepressants prescribed by a physician, elicited sympathy and compassion from his readers amidst outrage on the flamingos' death. Laberge's father, Norman Laberge, often served as a media spokesperson on behalf of his son. This accounted for the volume of sympathetic details included in media portrayals of Laberge. According to Norman Laberge, his son reacted negatively to Prozac. Although the drug was meant to influence his mental health in a positive direction, he became "troubled" and violent since he began taking it.⁸⁷ Prior to his depression, and his use of prescription drugs, Jason Laberge was described to be a gentle, kind young man, whose parents "[couldn't] imagine their baby killing flamingos."⁸⁸ Laberge "kept chickens on the family farm...played bantam hockey but was never aggressive enough...[and] was good to the little boy he fathered with his 17-year old girlfriend, Michelle Kingsbury."⁸⁹ Though somewhat cynical, the journalist cited here describes a Laberge as a normative, white, semi-rural young man from a nuclear family, the type of man that many could identify and sympathize with.

In addition to his normative family structure, Laberge's class background played a strong role in how he was characterized in the media as well as in court. Images of Laberge driving his rusty brown Chevy and, as described above, co-parenting with his teenage

⁸⁷ Flamingo Killer's Father Cries Foul At Police: B3.

⁸⁸ McMartin, P. (1992) No Happy Ending For Maple Ridge Family. *Vancouver Sun*, May 21 1992: A3.

⁸⁹ No Happy Ending: A3.

girlfriend, are strongly illustrative of his working class white culture. The class background of the Laberge family - Norman Laberge, a postman and Doris Laberge, a housecleaner - colour the descriptions of Laberge's familial and cultural background. Doris Laberge acknowledged that class played a role in media representations of Laberge and his family. "Oh, I know what they must think...[h]is parents must be druggies, his parents must be alcoholics.' But we've never taken drugs, we don't smoke, we've never collected welfare. Except for a speeding ticket once, we never committed a crime. We've supported ourselves since we were both 15. We didn't raise Jason to do something like this."⁹⁰ Like a scene from a Bruce Springsteen song, Laberge is portrayed as white and working class, as "a high school dropout who owned 14 cars since age 15."⁹¹

For Ken Beatch, Laberge's counsel, Laberge was the victim of other, tougher men's manipulation tactics. As mentioned earlier, he was the victim of peer pressure of mythical proportions at the zoo the night he attacked the flamingos.⁹² This group of young men - who reportedly taunted him into the attack after Laberge released the flamingos from their pen into the pond - remains part of the backdrop in discussions of Laberge's guilt or innocence in this case. Their presence paints a picture of the Park as a *Lord of the Flies* site of lawlessness, governed by a mob mentality with no room for civilization. While awaiting trial Laberge spent nearly a month in solitary confinement, due to the fact that his fellow prisoners were becoming verbally abusive and taunting him. Specifically, the other prisoners

⁹⁰ No Happy Ending: A3.

⁹¹ No Happy Ending:A3.

⁹² Man Guilty in Flamingo Deaths. *Vancouver Sun*, April 25, 1992: A1.

reportedly imitated flamingos and drew pictures of flamingos on the prison walls.⁹³

According to his family and legal counsel, these circumstances proved to be unbearable and Laberge became even more depressed. Two months after being sentenced to New Haven minimum-security prison in Burnaby, BC, he escaped incarceration in order to distance himself from the prisoners' taunts.⁹⁴ According to Norman Laberge, his son "couldn't handle it anymore," and was coping with threats such as "Oh, you're the little flamingo killer, you will not get parole and we're going to make it real tough on you."⁹⁵ Evidently Laberge's supposed gentleness and vulnerability prevailed and compelled him to escape prison, only to be caught in Banff three weeks later.⁹⁶

The sympathetic tone here contrasts sharply with how Ryan Cran was portrayed by the media, the courts, and public officials. While Laberge very much played the role of a troubled youth in these narratives, Ryan Cran, although only one year younger than Laberge at the time of the Aaron Webster killing, was portrayed as a deranged adult. At Cran's sentencing, the presiding judge remarked that "[i]t may be that such willingness to inflict terrifying pain on another human being is inevitably an expression of some kind of hatred.

⁹³ Man Guilty in Flamingo Deaths: A1.

⁹⁴ Sheehan, A. (1992) Flamingo Killer Back In Custody. *Vancouver Sun*, May 29 1992: A1.

⁹⁵ Hanna, D. (1992) Escaped Flamingo Killer Tells Father of Persecution. *Vancouver Sun*, May 19, 1992: A1.

⁹⁶ It is worth noting the privilege running through the above narrative. Laberge was uncomfortable in his circumstances and so he left the institution he was being held in. Accounting for the fact that incarceration is generally understood to be unpleasant, this detail indicates that despite Laberge's working class background, he generally moved through the world with a certain degree of entitlement and dominance. His father's apparent validation (if disapproval) of Laberge's choice to walk away from prison affirms Laberge's social position as a person who has grown up largely able to dictate his own surroundings.

But what is so chilling about this case is that this group seems to have done this for some reprehensible and almost inconceivable concept of entertainment.”⁹⁷ This type of monster-speak is typical of how characterizations from all angles portrayed Cran. Even when his youth and normative family background were acknowledged, these were highlighted in a way that made his violent behaviour even more disturbing. In the case of Laberge, however, his mental health and family life were used as evidence that he was merely passing through a difficult phase of life. In the Cran case, the judge wrote as follows, “I do not lose sight of Mr. Cran's youth and the necessity to take his potential for rehabilitation into account. Mr. Cran, who is now 23 years old, has no record, and comes from an unremarkable family background - in other words, there is nothing that might explain why he chose to involve himself in such brutal and violent behaviour.”⁹⁸

The disparity between characterizations of Cran and Laberge could be explained away through the obvious fact that Ryan Cran killed a human being and Jason Laberge killed a flock of birds. Comparatively speaking, it is clear that Cran’s crime was deemed to be more serious than that of Laberge, as human life is generally accepted to be more valuable than animal life. Therefore Cran should receive harsher criticism from the public and a more serious sentence.⁹⁹ However, the geographical and historical context of the event suggests otherwise. Recalling that the event took place in an urban park and that less than two years

⁹⁷ R vs. Cran, February 8 2005:42.

⁹⁸ R vs. Cran, February 8 2995: 44.

⁹⁹ This assumption was however challenged by animal rights activists, anti-choice lobbyists, and journalists. See for example Harder, E.P. (1992) Abortion is a Distortion of Social Values. New Hope Community Church, May 2 1992. Accessed online July 13, 2011 <<http://newhopeforliving.com/old/birth02.htm>>; Shenker, F. (1992) Attitude Towards Animals’ Pain Needs Rethink, Letter to the Editor. *Vancouver Sun*, May 5, 1992: A10.

before the flamingo murders, the Central Park Jogger murder had taken place in New York City. As I mentioned in the Literature Review, this was the case of a white middle class woman who was jogging through Central Park when she was brutally sexually assaulted and left for dead. Five black youth were bullied into a false confession and charged with the crime and sent to prison. Thirteen years later, a lone man confessed to the attack, and DNA evidence confirmed his confession.¹⁰⁰ Following the attack and the initial trial, public panic about groups of young, working class men in parks at night was rampant. Stanley Park at night would not be exempt from characterizations of urban parks as sites of fear, particularly when it came to groups of young men. Welch, Pryce, and Yankey write that the Central Park Jogger case brought about a moral panic about a “new form of menace”¹⁰¹ called ‘wilding.’ Wilding was used by the media in the late 1980s and early 1990s primarily to describe groups of young, poor (and usually racialized) men who assaulted victims in public parks, unprovoked and at random. Moral panic on the scale that was seen following the Central Park Jogger murder requires a certain degree of public consensus, and “arouses hostility toward an identifiable group or category of people who become vilified as social outcasts; indeed, that outrage is fueled by a dichotomization process whereby folk devils are distinguished from folk heroes in a morality play of good versus evil.”¹⁰² Groups of young men in public spaces were the folk devils and this discursive framework was used to further oppress these young men and those who shared their marginalized race or class status. As a

¹⁰⁰ Duru, N.J. (2003-2004). The Central Park Five, The Scottsboro Boys, and the Myth of the Bestial Black Man. *Cardozo Law Review* 25: 1315-1366.

¹⁰¹ Welch, M., Price, E.A., and Yankey, N. (2002) Moral Panic Over Youth Violence: Wilding and the Manufacture of Menace in the Media. *Youth Society* 34(1): 6.

¹⁰² Moral Panic Over Youth Violence: 11.

result it would have been predictable for Laberge to be a faceless monster in a roving pack of youth, as the discourse of the time framed such events.

Why then was Laberge portrayed with such sympathy in the public dialogue surrounding the flamingo killings? One explanation is that Laberge's crime indirectly supports an understanding of Stanley Park as a space that legitimizes a colonial civic and national identity. The death of the flamingos opened up debates about what degree of human intervention should take place in constructing the Stanley Park habitat – these debates ultimately resulted in the Park being left to its “natural” state, supposedly without human influence. This change supports a terra nullius ideology, where the land was apparently without social infrastructure or civilization prior to European settlement, and was to be preserved accordingly.

The meanings of Stanley Park were called into question in both the flamingo attacks and in Aaron Webster's murder. In the aftermath of Webster's murder, a significant issue held up for discussion was whether cruising should be allowed to occur in the Park. The attack on Aaron Webster was instrumental in spurring a public struggle around Stanley Park's identity - it was either a gay space of deviant sexual activity or a heteronormative family space - and the intense emotional response towards Ryan Cran enabled a discursive shift towards making Stanley Park a queer space. The impact of this shift, as I discussed in Chapter 4, provided legitimacy to the municipal government to protect Vancouver's queer community and to administer and control deviant sexuality. But even though the accused were not convicted of a Hate Crime (the courts found Cran guilty of manslaughter), the tone and intensity of the queer community's grieving for Webster and the broader Vancouver community's condemnation of Cran shows a public consensus that Cran's actions placed him

outside the fold of civic identity.

The flamingo attack also evoked a highly emotional public response, and opened debates over Stanley Park and what it should or should not be. Here, the ethics of animal captivity intersected with public conversations about the (un)desirability of Stanley Park's man-made and unnatural landscape. This discourse was in opposition to the more common stance that Stanley Park should be in its 'natural' state, without human interventions such as zoos and foreign species. In other words, the flamingo case opened up discussions over the Stanley Park zoo, and the need for the park to be returned to its 'natural' state. I am not suggesting that anyone wanted Laberge to kill the flamingos. On the contrary, as I discuss above, there was a real public outcry. However, the case did create struggles over spatial meanings, leading many to argue that the zoo should be closed and the park should be reconstituted as an untouched, authentic and natural wilderness.

As I discuss in the introduction, Stanley Park has a long history of being actively constructed as natural, untouched wilderness, and this narrative supports British Columbia's colonial identity as a vast, empty land open for the taking.¹⁰³ An argument in support of the Park's return to its natural state - actually a built, controlled environment made to fit a collective fantasy about what is 'natural' in British Columbia - is one that also supports Canadian identity as *legitimate* European-descended inhabitants of the land. Filtering the flamingo incident through a lens of (post)colonialism, it is plausible to assume that Laberge was allowed to be humanized in narratives about the flamingo killings because his actions

¹⁰³ Mawani, R. (2003) Imperial Legacies (Post)Colonial Identities: Law, space, and the making of Stanley Park, 1859-2001. *Law Text Culture* 7: 98-141; Mawani, R. (2005) Genealogies of the Land: Aboriginality, Law, and Territory in Vancouver's Stanley Park. *Social and Legal Studies* 14(3): 315-339; Mawani, R. (2007) Legalities of Nature: Law, Empire, and Wilderness Landscapes in Canada. *Social Identities* 13(6): 715-734.

indirectly supported a colonial discourse. Conceptually as well as literally, the murder of the flamingos furthered Stanley Park's return to a more 'natural' landscape. Friends of Stanley Park president Jim Harvey had been lobbying the Vancouver Parks Board to populate the Park with plants and wildlife that are native to British Columbia, and Stanley Park Zoological Gardens manager Mike Mackintosh said that the Park was planning to phase out exotic species. Mackintosh was angered that those with an agenda to eliminate the zoo – such as Harvey – were using the incident to further their goals. As the Parks Board was not intending to purchase new flamingos after the existing flamingos passed on (of natural causes or otherwise); the murder of the birds effectively sped up a process already politically slated to occur.¹⁰⁴

Likewise, the murder of Aaron Webster also had city-making consequences, but in the opposite direction. Existing narratives about the Park as a space of deviant sexuality, particularly at night, were at once infused and suppressed in Stanley Park's identity. Though the cultural practice of queer men having anonymous or semi-anonymous sex in public parks has a long and often celebrated history, publicity and promotion of Stanley Park as the "jewel of Vancouver"¹⁰⁵ heralds a more family-centered, wholesome and recreational face of the Park. That the period following Webster's death was marked by collective outrage and injustice does not suggest Vancouver's complete and unfettered acceptance of queer culture, though that may be part of the dynamics at play. Instead, I suggest that Vancouver's *identity* as tolerant, multicultural, and progressive was the more prevalent variable influencing public

¹⁰⁴ Gram, K. (1992) Upset Animal Lovers Donate Cash to Nab Flamingo-Killer: Sixth Victim Given Small Odds at Life. *Vancouver Sun*, Jan 31 1992: B3.

¹⁰⁵ Hannafin, M. (2009) *Frommer's Vancouver and Whistler Day by Day*, 1st Ed. Hoboken, NJ: Wiley Publishing: 4.

discourse following the incident. Ryan Cran was so strongly dehumanized because the Vancouver public needed to assert that *he* is not who *we* are. By loudly demonstrating to itself and others that Vancouver as a whole is a city who rejects this kind of violence, the public was actively engaging in nation- and identity-making that marks Vancouver in contrast to archaic, bigoted, and intolerant behaviour. This is beneficial to Vancouver's real estate and tourism industry, as well as to a broader colonial discourse about peaceful settlement and vast resources.

6

CONCLUSION: WHO'S WHO IN THE ZOO

In this thesis, I have argued that both the murder of Aaron Webster in 2001 and the killing of a flock of Chilean flamingos in 1992, had profound implications for how we understand Stanley Park. Almost a decade apart, the public response to each of these events conveyed specific meanings about the types of activities that were to take place in the park, and the meanings of the space and of Vancouver's civic identity. As these two case studies show, the park's identity changed from a site of nature where animals should be in their natural habitats, to a place of sexual safety and liberation that paradoxically reinscribed state authority. Webster's death and the ensuing public response, for example, produced a line in the sand demarcating rightful queer ownership of the space and at the same time providing a platform for public scrutiny and administration. By owning the space, queer people were regulated within in it. The flamingo murders, on the other hand, were leveraged to bring Stanley Park 'back' to its 'natural' state, upholding a national narrative about the park as an untouched wilderness and further erasing the history and ongoing realities of colonialism. The discourses that emerged in response to each event went well beyond the cases at hand to produce important meanings about civic identity and who belongs and does not belong in Vancouver. In this concluding chapter I will discuss each of these themes in turn, followed

by a discussion of the human/non-human divide and how ideas of nature are powerfully conveyed in the social construction of space.

Aaron Webster's death provided an opportunity for the Vancouver public to reassert its identity as a tolerant, progressive place that defines itself against bigotry, parochialism and social conservatism. In public responses, the city's residents, including the queer community and the broader Vancouver community, created distance between themselves and the perpetrators of this violent attack by drawing distinctions between 'us' and 'them.' The 'us' and 'them' were flexible placeholders, representing a variety of distinctions, including a suburban/urban divide, teenage/adult divide, straight/gay divide, and American/Canadian divide, depending on the speaker. It was crucial to those responding to the incident that anyone listening should know that 'we' do not do things like 'that.'

In effect Vancouver's queer community gained momentum, legitimacy and permanence as a result of the collective outrage and intensity of grieving after this event. But the response was not one-dimensional. In denouncing Webster's murder, the Vancouver public cried that this type of discriminatory anti-gay violence happens all too often, and that this violence is unacceptable because Vancouver is a safe and sexually open place to live. Here, Vancouver's identity was confirmed as a place that accepts difference and tolerates queerness. But along with the production of this identity came the queer community's call that they deserve state protection from violence and discrimination. In order to maintain Vancouver's identity as progressive and open, the municipal administration of queer sexuality was intensified. Through the enforcement of anti-discrimination legislation, increased police surveillance of cruising areas, and Parks Board by-laws regulating the conditions of use for known cruising spaces, Vancouver's queer community became the

targets of the city. Paradoxically, the intensification of surveillance and boundary maintenance between ‘deviant’ and ‘normal’ sexuality only kept queer people in a marginal social position through the spatial relation of watched/watching, enclosed/free, and different/normal.

The national identity-making component of the flamingo murders begins with Jason Laberge. As the absolute prototype of white, working class, suburban culture, Laberge was described in detail in the media and public records as a good kid from a close family that works hard and struggles to get by. There is a certain noble working poor quality to the way Laberge and his family were characterized throughout the trial and his escape (and consequent recapture) from prison. His privilege as a white man from a supportive family is palpable in his escape from prison due to his discomfort with other prisoners’ taunts, and a sense of entitlement is visible in Laberge’s social position. I argue that Laberge’s representation is qualitatively similar to a ‘typical’ Canadian young man – from the descriptions one might expect to see him in a beer commercial or country music video. As I explored in Chapter 5, Laberge was able to maintain this characterization despite the horror of his crime because the implications of his actions supported a broader maintenance of the kinds of qualities valued in Canada.

The flamingo murders legitimized arguments for Stanley Park’s reconstruction as a ‘natural’ space. The presence of the flamingos – exotic, frail, tropical, and confined – was inconsistent with the civic fantasy of Stanley Park as a piece of untouched, pure wilderness. The discursive labor associated with representing Stanley Park this way was a further delegitimization of Aboriginal presence in North America pre-European contact and the erasure of the colonizers’ aggression and takeover of the territory. If we think about Stanley

Park as prehistoric and untouched, then we do not need to give credence to the thousands of years of culture and social infrastructure of Coast Salish communities who occupied the land prior to European colonization.¹⁰⁶ Invalidation of colonialism justifies and entrenches the marginal social position of Aboriginal people in Canada, as it takes the present out of historical context and therefore does not attempt to repair damage done through these historical processes. The loss of the flamingos and subsequent closure of the Stanley Park zoo supported this agenda and although no one expressed approval of Jason Laberge's actions, I suggest above that his violent act was congruent with the making of a civic identity and thus the response to him and his crime were significantly different from the ways in which Cran was characterized by the media.

Looking at these two events together - one concerning a marginalized category of humans and one concerning the maintenance of non-human elements - allows us to see that space and its associated meanings are comprised of more than a collection of individual people, their intentions, and their actions. Social space, what occurs there, and what we think of it is not merely a result of who lives there or what people go and do in a particular area. Early in this project I considered examining two cases side-by-side that only concerned human activity – one was the Aaron Webster case and the other was the Babes in the Woods murders. The Babes in the Woods murders were an incident in 1953 where two children's skeletons were found in Stanley Park wrapped in a woman's oilskin coat.¹⁰⁷ This case was fraught with discussions about motherhood and women's sexuality, and certainly had

¹⁰⁶ Mawani, R. *Imperial Legacies (Post)Colonial Identities; Genealogies of the Land*.

¹⁰⁷ Unidentified Boys found January 14, 1953 in Vancouver, BC. Online at <<http://icaremissingpersonscoldcases.yuku.com/topic/910#.TiOl2M1EPed>> accessed August 10, 2010.

implications for how we understand Stanley Park. The weakness of having selected those two cases was that they both centered on human illicit activity occurring away from the eyes of the street. An analysis showing the development of a cultural narrative about Stanley Park as a space with social meanings could be dismissed as a reasonable public response to criminal activity. Looking at a case centered on non-human factors as well as a case about human variables anchors the analysis in the space itself; it shows that meanings are projected on to the landscape independent of interpersonal conflicts, reasonable risk assessment, or individual anomalies (“bad apples”).¹⁰⁸ This allows viewers to focus on the complete social processes at play and the extent of the cultural work that goes in to maintaining collective suspension of disbelief. In this case, the cultural work molds, reiterates, and communicates a social identity rooted in the promotion of inequalities.

¹⁰⁸ A key question in discussions of the construction of space is how the non-human is socially constituted in the physical environment. I have not fully analyzed the non-human in discursive constructions of Stanley Park here, and that further study on the Park should address this point in more detail.

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