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BOOK REVIEW

The Story of Jane Doe: A book about rape

Jane Doe

Toronto: Random House Canada, 2003

REVIEWED BY DREW MILDON[†]

According to “Jane Doe” (the anonymous *nom de plume* of the book’s author), the original intention for her book about her rape and ensuing civil trial against the Toronto Police was that it be titled “Jane Doe’s Coffee Table Book About Rape.” Many readers may join me in regretting that the machinery of the publishing business led a savvy, but unimaginative, marketing department to reject the author’s wry title. This book is physically longer than a standard hardcover, and presents us with a variety of mixed media that include sketches, images of newspaper clippings, a range of writing styles—indeed, it shares many of the pastiche qualities of a coffee table book. But the coffee table book analogy is suitable for far more compelling reasons. Coffee table books occupy a particular place in our lives and culture. They sit in the centre of our “living rooms,” the space we live in, socialize, read the newspaper, meet as families, and invite outside strangers into our private lives. Coffee table books occupy this border space between the private and the public. They rest there, in clear line of vision, but they are rarely opened—instead, they gather dust and are often shuffled aside, placed under tables, slid under couches, consigned to the family bookshelf.

Rape myths are a little like coffee table books. They lie at the very centre of our lives, but they are rarely, outside of academic discourse, examined, opened up or studied. It is even more rarely that they are openly confronted or engaged within the business-as-usual structure of

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our public institutions. Jane Doe's experience—what she refers to as her ongoing “Jane Doe Project”—is an example of just such a confrontation, between one individual's experience of rape and the way that public institutions of justice and law enforcement have chosen to understand it. This tension between social construct and genuine, lived experience is one of the numerous oppositions explored in this book, along with that of victim/offender, rape/sexual assault, fiction/non-fiction and dialogue/monologue. These oppositions are also explored through the formal choices the author makes as she struggles to represent her experiences on the public stage of the published work.

At the primary level of the text, Jane Doe offers a series of critiques of how deeply rape myths inhabit, and inhibit, the provision of law enforcement. She is direct, and often eloquent, in asserting the many failings of the justice system in meeting the needs of women who have been raped:

I was cautioned that while waiting outside the courtroom I should not speak with anyone. Especially any women. The fear is that your friends or family or supporters might say something to you that would get you all confused about what really happened and then you'd mix everything up in your pretty (traumatized) little head, and your account would be tainted... Let's say that your sister or a friend is sitting in the same hallway and you need to talk to them or just touch them because you feel so bad. Well you can't.

It would be remiss on the part of a reviewer, in a country where a woman is raped every seventeen minutes, to pass too quickly over these important and necessary critiques. Doe takes intelligent and focused aim at a litany of ills: criminal processes that re-victimize women; psychological testing that blames the victim; hospital rape kits that control and pathologize; an alienating justice system which excludes women from the criminal process; and the configuration of the term “sexual assault” which allows a rape to be labelled “non-violent.” Her critique is necessary, vital and pertinent, and the book is worthy of being read for these reasons alone. However, simply taking the work on this level ignores Doe's exploration of an intriguing formal critique, one that risks being passed over too quickly at considerable loss to the reader.

In a chapter where Doe bluntly states her support for the ongoing struggles of feminism, she writes: “Feminism can be radical, socialist,

liberal and postmodern. Well maybe it can't be postmodern..." It is a particularly ironic statement in a work that blends autobiography and fiction, that offers both personal and professional artistic sketches, that includes notes to read ahead to other chapters, a book written under a pseudonym which ultimately denies authority to authorship or origins—in sum, a book that questions and deconstructs in such a way as to make it a thoroughly “postmodern” work. In this light, postmodernism can be understood as a broad critique of structuralism, one which sought to break down many unexamined, widely accepted, and patriarchal notions dominating academia until the mid-20th century.

It is therefore curious that, in this postmodern expression of feminism, Jane Doe suggests that there cannot be a postmodern feminism. One of the postmodern formal techniques practiced in the book is found in the several occasions when Jane Doe assumes the fictional first-person voice of two police figures, a male and female respectively. This very distinctive choice might be made for a number of reasons. It might reflect an interest by the author in trying to understand and represent the kind of mindset that subjects a rape victim to the criticized processes used today, or it might illustrate a real anxiety with the ego-stroking masculine character of 20th century autobiographical writing (think Kerouac and Bukowski, for example). Or, it might be a genuine attempt to represent the complex social matrix in which we discover “truths” about the world—an attempt to engage in formal dialogism.

Dialogism was championed by late Russian critic Mikhail Bahktin, a writer much in favour among University of Toronto scholars during and immediately following Marshall MacLuhan's tenure there. In the guise of a critical exploration of Dostoyevsky, he levelled a devastating critique of Stalinist Marxism under the rubric of “dialogism”, essentially stating that dialectics are ultimately fascist, in that everything is assimilated into society's forward movement and the possibility of meaningful transgression is eliminated. Bahktin posits that “truth” is subject to an ever-shifting interaction among a multitudinous polyphony of voices, and that dialogism stands in stark contrast to the threatening unitary voice of fascist monologism. To embrace dialogism is to reject the pulpit, to reject the interpreting power of the state, and to strive for a conscientious and ethical interaction with the other(s). Dialogue becomes the central space of human interaction, the border space where we all connect and disconnect, the living room where our lonely selves

give and receive recognition. Dialogue, of the meaningful sort envisioned by Bahktin, requires mutual recognition and genuine attempts at empathy, a clear contrast to the processes employed by the adversarial legal system and the criminal, non-restorative process of justice. Truly polyphonous dialogue is always in motion, always changing, always dancing around the rigidity of the state apparatus, and ultimately an attempt to avoid the crude tautologies inherent in that ideology (OK, fine, in a perfect world, there'd be a perfect world).

According to Bakhtin, “a word, discourse, language, or culture undergoes ‘dialogization’ when it becomes relativized, de-privileged, aware of competing definitions for the same thing. Undialogized language is authoritative or absolute.” Jane Doe’s struggle with the legal system, and the rape myths held both by the legal system and society at large, is very much the struggle to force both of these to become aware of another voice and to de-privilege a powerful institution. The book chronicles both her considerable successes and her disappointments in this regard. The very long and expensive civil suit chronicled here ended with a determination by Judge Jean MacFarland that Jane Doe’s Charter rights were violated. MacFarland found that “[the department had failed to] issue a warning because of their discriminatory belief that women would become hysterical and jeopardize the investigation”; further, that the “police failed to protect [her] even though they believed the rapist would strike again.” Jane Doe’s stamina and determination made public and immediate a critique of the discriminatory beliefs that resulted in her rape, and sent a message that continues to resound – one can sue the police and win. But Doe does not allow her book to fall into a simplistic model of us and them. Her detailed history of the trial, and the ensuing political and media fallout, provides us with a cacophony of voices. We get a window into internal decision-making, and sometimes disagreement, among the dedicated lawyers of the Women’s Legal Education and Action Fund (LEAF). We get vignettes from the history of feminist activism, stories of women trying to fight the same battle from less privileged positions, and dozens of hopeful, and human, interactions played out along the way. While devastating in her critiques, Jane Doe is nonetheless generous with her praise for those who worked with her. Her formal choices may well be a direct reflection of this generosity; she is, in her own words, “always aware of competing definitions for the same thing.”

However, Jane Doe refuses to accept competing definitions for rape, arguing forcefully that rape should be called rape. She suggests that the use of the term “sexual assault”, like “spousal abuse”, is an anaesthetising term that washes out the violent implications of the word rape. The sexual assault provisions of Canada’s Criminal Code, introduced in 1983, were intended to capture a broader range of sex-related offences. However, Jane Doe implies that the result may have been to re-distribute the force of the term rape until it fades out to an empty peripheral vacuity; this creates the socio-linguistic space in which law enforcement can label a rape “non-violent.” However, Jane Doe’s assertion—that we need to call rape by its name if we are going to accurately represent the experiences of women who have been raped—creates a tension where she risks giving “rape” an absolute meaning. Don’t the possibilities of various types of “sexual assault” offer a broader range of options within which someone might find a term more personally relevant for them? Do women who choose to operate within an open forum not also get to choose to name their own feminisms?

Jane Doe argues that we need to call a thing by its name. But her anxiety about the term “postmodern” may be that it implies that we have somehow moved beyond certain endemic problems which remain highly relevant. Alternately, it may reflect her refusal to accept the power of a name to collect a wide set of diverse experiences, and art forms, under a single name. Names have power, and patriarchal institutions use that power to control and exclude. But names remain caught in a process of variation between personal experience and the public realm, and an individual’s choices about naming personal experiences can transgress rhetoric and, in some cases, can carve out a small, safe place for an individual in the face of unbearable experiences of personal violation. Jane Doe says “I am not a rape victim, I am a woman who was raped.” The use of the anonymous “Jane Doe” is itself an example of the power of a name to erase differences and draw the many in under the one. Indeed, the author’s use of the name “Jane Doe,” while subverting its inherent anonymity, also constitutes an empowering personal anonymity, an individuality inside a reference of generality. This choice remains one of the author, and hers alone. In the world we see unveiled by her book—which we must acknowledge is our world—such choices are themselves triumph enough.