**Omar Khadr: Mobilizing Ideology and the Decline of Citizenship in the Age of
Terrorism**

by

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Abstract

The fundamental question underlying this thesis is how processes of identification have influenced the tenacity of the rights that should be afforded based on an individual's citizenship in the post-9/11 era. This period has seen numerous instances of individuals who possess formal Canadian citizenship yet have been deprived of protection from their government abroad due to suspicions of involvement with terrorism. An analysis of the media coverage surrounding the capture and detention of Omar Khadr will illustrate the underlying assumptions of identification and the shifts in governance that allowed for the deterioration of his rights and the legal ambiguities characteristic of this period.

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Introduction

It has been nearly a decade since the attacks on the World Trade Centre on September 11, 2001. In Western democracies this period has been characterized by a series of debates regarding the tensions between rights and security. Based on a variety of explicit and implied factors, certain individuals have been classified as having fewer rights in order to protect the security of the greater population. By this logic, the protection of the rights of 'others' outside of the political community arises out of principles of charity rather than a mutually shared perception of effective belonging within the nation.

In Canada, one of the most fundamental safeguards meant to protect individuals from the possibility of diminished rights is citizenship. In the last several years however, we have seen an emerging pattern of vulnerability amongst citizens traveling abroad. The cases of Maher Arar, Abdullah Almalki, Ahmad El Maati, Muayyad Nureddin, Suaad Hagi Mohamud and Abousfian Abdelrazik are all examples of Canadian citizens who have been held in prison (and in most cases tortured) based on allegations and suspicions of terrorism. In all of these cases, these individuals were poorly assisted by the Canadian government if at all. To varying extents, the onus was placed on them to prove the authenticity of their claims to Canadian citizenship worthy of protection.

The case to be examined here is that of Omar Khadr. Khadr was fifteen years old when he was taken captive by American forces after allegedly firing a grenade that fatally wounded an American soldier in battle. He was first deemed a "person under control" and then as an "unlawful enemy combatant", in a perversion of international law that deemed him de facto stateless. He was taken to Guantanamo Bay where he has been held

since November 2002. He is now twenty-three years old. The circumstances of how Omar Khadr came to be identified and essentially abandoned by the Canadian government have increasingly become the source of outrage for many Canadians. It would be insufficient to blame this situation on the overzealous nature of the American government led by George W. Bush. Mr. Khadr's experience is indicative of broader patterns of identification and shifts in power whereby domestic and international legal codes were eschewed for redefined standards of legality.

This study aims to demonstrate how 'terrorism' came to represent a social phenomenon, rather than a specific event, which was folded into a series of other problems (i.e. immigration, border control) that conjured a moral panic regarding an ambiguous yet overarching threat against 'our way of life'. This is explicated through an analysis of the ongoing reproduction of the figure of the Muslim as synonymous with violence and how this intertwines with conceptualizations of citizenship to reinforce a hierarchy of social acceptance that is racially marked. While an ideology of race became an integral aspect of identifying the threat of terrorism, it should be seen as a mobilizing factor rather than the root cause of the erosion of legal, political and human rights experienced by many.

This public response to terrorism resulted in a shift towards an international security regime embodied by the War on Terror. The events of 9/11 created the conditions for international consensus surrounding issues of security and the impetus for the implementation of a control culture that was totalitarian in nature. The aftermath of these events led to a proliferation of legislation outlining fresh domestic and war crimes, as well as investigative policies that utilize racial profiling. On an international scale, the

conflicts in Afghanistan and Iraq were guided by newly imposed standards of legality achieved through various redefinitions of individuals and their actions in these conflicts. Since the War on Terror is not against a particular state any individual detained in its pursuit could be deemed an “unlawful enemy combatant” and denied POW rights under the Geneva Conventions. This has allowed for the creation of “legal black holes” such as Guantanamo Bay where detainees have been denied due process or consular assistance from their countries of origin. The redefinition of what constitutes torture has permitted a broad range of physical and mental abuse against detainees.

To make a qualification, this paper does not claim to either diminish the legitimate harm that terrorism inflicts upon anyone that may be victimized by it or imply that it is not a present threat and should not be prepared for and responded to. Nor does it claim that any particular state has submerged itself into full-blown fascism under the rule of a dictator, characteristic of the late Weimar Republic. It is not about a permanent shift in governance from a democratic to totalitarian one but rather focuses on the subtle shifts of legality that were justified by the threat of terrorism through ideological means. This response was not temporary; as the case of Omar Khadr will demonstrate the effects of the War on Terror continue to influence the rights of individuals, even as the West begins to withdraw from conflicts or discontinue specific practices.

The point being made here is that substantial shifts in power have occurred within and among states on a global scale, organized under the umbrella of a US-led War on Terror. This allowed for terrorism to be accepted as an objective fact rather than a historical and social event with its own history, logic and conditions of existence that should be examined in order to identify the contradictions of its conventional wisdom.

By ignoring the ongoing historical tensions between the West and the Middle East as well as depoliticizing the motivations of those who support terrorism there has been a swift dehumanization of anyone categorized as belonging to this group. This justifies the contradictions of fighting a war in defense of liberty and democratic freedoms that operate at the limits of legality (until those limits are redefined) or justifying abject violence against certain individuals while denouncing the violence committed by terrorists.

Part of examining this process of shifts in power is to identify and deconstruct the discourses of race, citizenship and security that were dominant in this period; this allows us to properly reflect upon their ideological and material effects within the globalized security regime. The effects of the intersection of these discourses have led to a resulting fragmentation of the social aspect of citizenship alongside this centralization of power. This has inevitably led to an erosion of the legal and political rights associated with citizenship as is evidenced by the plight of Omar Khadr.

The first chapter outlines the study of discourse as it is utilized in this project and to demonstrate that language has the power to produce realities that it claims describe. This occurs when discourses become ideological by reinforcing pre-existing relations of domination and power. This is cast against Said's study of Orientalism, which illustrates how this particular discourse has historically depicted Muslim and Arabic people in a way that characterizes them as representing every negative image associated with the chaotic violence of the Middle East.

The second chapter explicates how the mobilization of racial ideology has had material and ideological effects on the institution of Canadian citizenship. Through an

examination of the inconsistencies inherent in liberal, state-based citizenship we can begin to see how these contradictions have affected the outcome of citizenship struggles in the post-9/11 era. This chapter also examines several theoretical concepts found in Hannah Arendt's, The Origins of Totalitarianism. An analysis of her interpretations of the insecurity of citizenship and human rights will assist this project in explaining the erosion of legal and political rights of Canadian citizens in the War on Terror. Her discussion of the implementation of totalitarian regimes, and particularly the institution and effects of the Camp, will be fundamental in portraying a parallel situation in the establishment of the international security regime and "holes of legal oblivion" such as Guantanamo Bay.

The final chapter will apply these concepts to the case study of Omar Khadr. In examining the media coverage of his capture, detention and pursuant legal struggles we can clearly reflect upon the ideological assumptions and contradictions underpinning the unfolding of these events. This analysis seeks to identify how social subjects are recruited and produced in times of moral panic based on processes of identification. This is achieved by taking a critical conception of ideology, which is capable of recognizing the participation of audiences in textual appropriation and decoding.

This media analysis is broken down into three periods of examination. The first period of analysis covers the month of September 2001, wherein Said's discussion of Orientalism is substantiated as we see the projection of the Western Muslim as the personification of terrorism. While this initial period precedes any involvement of Omar Khadr as an individual, it is crucial for understanding the framework of meanings that is developed as all subsequent discussions of terrorism will be influenced by it. The second

period covers the time from which Omar Khadr was discovered to be in US custody to his transfer to Guantanamo Bay in early November 2002. In this time period the public image of Omar Khadr as a monster figure is established; his guilt is presupposed because of who we assume he is based on the discourse of the initial period as well as factors that undermine his Canadian citizenship. The final period of analysis looks at the coverage during July 2008 when CSIS documents and videos were released to the public, allowing for a fuller understanding of Omar's treatment by the American government in addition to the role of the Canadian government in permitting this treatment. This period is significant as the information released at this time reflects much of what was actually happening during the second period of analysis, thus exposing the strategic areas of silence that were imposed and influenced the public response.

While the media is the focal site of analysis of this study, they do not generate ideological discourse in isolation. The other major institutions of the state apparatus, as well as the general public, are responsible for imposing frameworks and assigning labels that create the referential context within which the phenomenon of terrorism is understood. This element of the analysis demonstrates the regenerative nature of discourse that is affected from the top-down and the bottom-up, thus indicating the participation of social subjects in the production of ideology. Khadr's plight demonstrates the effects of the truncation of social citizenship on an individual's legal and political rights as is evidenced through the extra-legal and political processes established in the last decade. By paying particular attention to the structural processes and effects experienced by Khadr, this study seeks to prevent fostering the perception that racism and discrimination are individual acts that are exceptions to an otherwise

satisfactory rule; these problems are systemic and all too common in periods of moral or social panic and will never be eradicated unless these broader conditions are properly addressed.

Chapter One: The Mobilization of Orientalist Discourse in the Post-9/11 Era

This chapter establishes the first set of conceptual and theoretical foundations upon which the remainder of this thesis is constructed. In doing so, three issues will be addressed. First, the substance and functions of discourse will be explored to enable the reader to understand its role in the production of social subjects. Second, it will examine the projection of the image of the Muslim through Said's discussion of Orientalism. The convergence of the perception of the modern 'terrorist' and the alarmist post-9/11 discourse that quickly embedded itself in the national psyche demonstrates how discourses are quickly mobilized, emerging as ideology with real material effects.

Discourse

Norman Fairclough describes discourse as the use of language in a particular way that has the performative power to bring into being the very realities that it claims to describe.¹ This definition serves to enforce two of the major pillars of discourse which are vital for my utilization of it henceforth. The first is that discourse is the medium of production of social knowledge. By this I mean that all discourse is influenced by a variety of factors and can therefore never be impartial or wholly 'descriptive' but is always normatively loaded. This is not meant to convey that because discourse can never be neutral that nothing can ever be truly known. Rather, I advocate the position of Laclau and Mouffe who reject the idiom 'everything is discursive' for the more interesting claim that all knowledge is located within discourse.² This allows us to recognize the constructed nature of knowledge while simultaneously acknowledging the second

¹ Norman Fairclough, Analysing Discourse: textual analysis for social research (New York: Routledge, 2003.).

² Trevor Purvis and Alan Hunt, "Discourse, ideology, discourse, ideology, discourse, ideology..." The British Journal of Sociology 44.3 (1993).492

important aspect of discourse, which is that it has real material effects in a variety of ways that will be elaborated throughout.

We can see the dual elements of social construction and material effects actualized through the production of social subjects. If discourse is involved in the production of social knowledge generally, then a fundamental element of this is displayed through the construction of people as social subjects. Rather than conveying subjects, discourse produces subjects through language that constitutes social identities, relations and the systems of knowledge and beliefs within which they exist. This process can be transformative or reproductive.³ This process of producing social subjects will be illustrated through the discussion of Orientalism and its materialization into racial ideology.

I will deviate from Fairclough at this point in clarifying the method by which I will utilize the concept of discourse for the purposes of this project. While Fairclough undertakes a technical textual analysis whereby specific units are counted and analyzed, this project aims to achieve something different for which a technical analysis is insufficient. This project seeks to undertake a critical examination of ideology and the effects of discourse by examining the relations surrounding the (re)production of the figure of the Muslim as synonymous with the threat of violence and how this intertwines with conceptualizations of citizenship to reinforce a hierarchy of social acceptance that is racially marked. By focusing on a thematic interpretation of discourse analysis the intention is to uncover how discourse is regenerative, with tangible effects and is both the medium of social action and constitutive of the social relations they produce.

³ Fairclough 278.

Foucault makes an important contribution to the concept of discourse which I employ here. Rather than simply viewing discourse as a distorted version of reality, Foucault favours representing each as economies with their own tactics and effects of power which they transmit. This allows us to understand more fully how discourses impose frameworks that limit the range of experiences and meanings that can be encompassed. This permits certain things to be said and accomplished while at the same time excluding others.⁴ Foucault adopts a post-structuralist theory of discourse that focuses on how it is integral in the production of certain forms of knowledge. This enables one to comprehend how ‘subject positions’ precede actual individuals, causing them to be ‘inserted’ into discourses that correspond to the predetermined frameworks of knowledge rather than creating alternative characterizations.⁵ Foucault’s discussion of discourse is structuralist in its focus on professional discourses that are derived from institutionalized sites of production. The process wherein these professional discourses become popular discourses (or common sense) is what solidifies their shift into ideology.

The notion of common sense, and the presuppositions implicit within it, is an important element in distinguishing discourse from ideology. Gramsci explained ‘common sense’ as a collection of inconsistent ideas that conform with the social and cultural position of those whose philosophy it belongs to.⁶ Common sense is concerned with lived experience rather than how individuals ‘think’ about a particular subject. Because beliefs and attitudes are assumed within linguistic practices rather than formally argued for they can be displayed openly without being examined; this results in valuations of people and events that appear both natural and universal.

⁴ Purvis and Hunt, 488

⁵ *ibid.*

⁶ Stuart Hall, Policing the Crisis: mugging, the state, and law and order (London: Macmillan, 1978).154

Discourse has descriptive and productive functions; it can reinforce existing ideologies as well as construct new ideologies. Models are the mental representations of events, actions and situations that people engage in their daily experiences. These form the basis of discourse production on an individual level and are the result of discourse comprehension. Models accomplish more subtle and indirect forms of ideological control and reproduction.⁷

One of the major objectives of this project is to examine how particular identities are created, imposed and reinforced through the relationship between professional discourses produced by state institutions and public discourse. The media will be the focal point of examination as it is the vehicle that channels the exchange between the two. In narrowing the discussion of discourse generally to a specific discourse of race and its relation to current conceptualizations of terrorism the issue of continuity must be acknowledged. Discourses do not simply emerge out of thin air; they precede even the events from which they are seemingly produced. In the wake of a disturbing or unfamiliar occurrence discourses relating to previously known events or subjects will suddenly become relevant, overlapping and inevitably influencing the production of discourse for this new event. Therefore when discussing the discourse surrounding the attacks on the World Trade Center in 2001 it is essential to recognize that systems of beliefs regarding terrorism, racial and religious identity, and relations between East and West were already in existence waiting to be mobilized. One such discourse with particular relevance is Orientalism, as articulated through the works of Edward Said, which must be fleshed out to make sense of the current political and social climate.

⁷ Teun A. Van Dijk, "'Discourse Analysis as Ideology Analysis'," *Language and Peace*, ed. Christina Schaffner and Anita Wenden (Aldershot: Ashgate Publishing, 1995). 33

Orientalism

A thorough understanding of Said's discussion of Orientalism is necessary to demonstrate the historical reproduction of the essentialist image of Arab and Muslim peoples and contextualize how this image has become ingrained in Western culture.

Orientalism is a way of constructing and understanding the Orient based on its place within the European experience in academic and general knowledge. Orientalism is the way by which the West has historically characterized and produced the subject of the 'Other' through discourse. It has become one of the most consistent ways through which the West exerts dominance and authority over the Orient and reinforces its own hegemony.⁸ The basis of the problem for this discourse (as with any discourse that involves 'knowing others') is that it allows for knowledge to become another form of subjugation imposed by the West.⁹ In this sense the producers of the discourse claim to be more capable of describing the subjects than the subjects themselves. It does not require an overly detailed explanation as to why this is problematic, particularly when there are cultural and linguistic barriers involved. This understanding of the Orient becomes increasingly problematic due to the inclination of those who produce knowledge of Others to describe peoples and their cultures as variations of those that are familiar to them, thus being inserted into a more digestible frame of reference. This leads to an arbitrary process of classification and valuation due to the lack of acknowledgment required from the subject Other.

A specific element of Orientalism that is particularly useful for the purposes of this project is that of imaginative geographies, which extends the designation of

⁸ Edward W. Said, Orientalism, 25th anniversary ed. ed. (New York : Vintage Books, 1994.).1-3, 6

⁹ *ibid.*35

‘knowing’ Others to the spaces and places they inhabit. As history is a constructed concept it becomes easy for places, objects, and times to be given arbitrary meanings that acquire an objective validity after they have been assigned; this is particularly true for uncommon things.¹⁰ An example of this is the overarching use of the term ‘Islam’; its generalized usage demonstrates how many diverse aspects of the Muslim world have become collapsed into a term that reduces everything in it to a “malevolent and unthinking essence.”¹¹ Islam is described as though it were a tangible thing so as to make any qualifications seem unnecessary, thus eliminating the opportunity (or the need) to engage in any kind of analysis. The result of this is the most rudimentary rhetoric of ‘us-versus-them’ that fosters fear and avoids any notion of understanding.

The vital importance of identifying Others lies in what it reinforces regarding perceptions of the Self. Perceptions of space and time that are assigned to particular places intensify the perceived differences between what is close (similar) and distant (different).¹² Said illustrates this point through a common assumption that the West has become greater than and surpassed the stage of Christianity, its principal religion, whereas Islam is still mired in religion and backwardness.¹³ This is simply one aspect of the mainstream public image that has emerged; it is a reductionist vision of Islam that has been characterized by stereotypes and generalizations that highlight every negative perception of it (i.e. violent, primitive, atavistic and threatening). It is through this process of simplification that a place and its people become synonymous.

¹⁰ Ibid, 54

¹¹ Ibid, 8

¹² Ibid, 55

¹³ Ibid, 9-10

A final aspect of Orientalism that should be noted is the relationship between this discourse and colonialism. Said argues that while many of these features are characteristic of colonial dominance, it would be an error to call Orientalism a rationalization for colonialism. This depiction underestimates how this discourse has predated and justified colonial rule; it is a reifying process. Orientalism has always been contained and represented by dominating frameworks and colonialism reinforced those frameworks.¹⁴ Orientalism, ultimately, is a politically constructed vision of reality that promotes the differences between the familiar and strange.

Despite this pre-colonial existence, one cannot deny the momentum that colonial rule has provided it with. Today we are presented with a limited series of crude and essentialized caricatures of figures in the Islamic world that are operationalized to justify military aggression.¹⁵ Orientalist discourse combined with colonial rule has allowed for a rhetorical distancing that works to depersonalize, objectify and reduce 'Muslims' to the signifier of the terrorist. This works to reinforce the major functions of Orientalism; it serves to explain the nature of 'their' deviance while simultaneously justifying our self-perception as the victim.¹⁶ This deviance having been explained reinforces our understanding of 'their' responsibility and culpability therein justifying 'their' complete dehumanization and expurgation from society.

9/11 and Ideology

The most recent application of the essentialist image created by Orientalism cannot be properly interpreted without examining the process by which certain discourses

¹⁴ *ibid.*39-40

¹⁵ *ibid.*28.

¹⁶ Colin Hay, "Mobilization Through Interpellation: James Bulger, Juvenile Crime and the Construction of a Moral Panic," *Social & Legal Studies* 4 (1995): .216

are mobilized to become ideology (as not all discourses are ideological per se). This must be accomplished to understand how Orientalism has become ingrained in the current socio-political context and employed as a particular ideology surrounding terrorism that is underpinned by racism.

The most logical place to initiate a discussion of ideology is within the parameters of Marxism. This project focuses on interpretations of Marx as many have developed his concepts for greater value in discourse analyses and ideology critique. It is important to acknowledge Marx at the root of these interpretations as his utility lies in the basic assessment of ideology as a distortion that occurs due to misrecognition or incomplete knowledge of social reality. Ideology exists within the basic problem of Marxism, which is the effort to understand how relations of domination are reproduced with minimal use of direct coercion. Ideology analysis is therefore primarily concerned with the ways that meaning and power intersect by studying the ways that meaning serves to sustain relations of domination. Where a focus on discourse allows us to study the interpersonal exchange of meaning, ideology critique allows us to examine the ways by which power relations are systematically asymmetrical at the institutional level.¹⁷ The discourse surrounding terrorism became ideological due in large part to the referential context provided by Orientalism that dominated our understanding of it immediately following 9/11 and afterwards.

Ideology critique attempts to identify the way that forms of consciousness condition how individuals recognize and struggle over their conflicting interests. Ideologies mentally represent the basic social characteristics of a group, such as their

¹⁷ John Thompson, "'Language and Ideology: a framework'," *Sociological Review* (1987).519

identity, tasks, goals, norms, values, position and resources.¹⁸ Through these delineations ideologies operate to create boundaries that enable members of a group to allow (or disallow) membership, coordinate social actions and goals, and organize access to resources. More specifically, these ideologies control the evaluative beliefs, or social opinions, shared by members of the group.

Similarly, Althusser advances this conception of ideology as a field of struggle for opposing classes to engage in and express their conflicts within competing ideological formations. He elaborates on the contention that the production of social subjects is actualized through discourse by interpellation. Interpellation is the mechanism by which ideology constitutes people as subjects by situating them within specific discursive contexts. These discursive contexts become ideological when their contents are inadequate in articulating the actual interests of the social categories being constituted through the discourse.¹⁹ We can see these deficiencies within Orientalism as the motives and desires of Middle Eastern cultures are assumed through representations that have been imposed rather than constituted by the actual subjects.

Van Dijk contends that ideology is expressed and reproduced in discourse and communication, though they are enacted through other forms of interaction and their reproduction is often embedded within organizational and institutional contexts. Ideologies act as the interface between cognitive representations (models) which underlie discourse and the societal position and interests of social groups.²⁰

Discourse and ideology are obviously closely intertwined as abstract concepts and in the realities of their operationalization. While overlap between the two is inevitable

¹⁸ Van Dijk, 18

¹⁹ Purvis and Hunt, 482-483

²⁰ Van Dijk, 17-18

there are certain distinctions that can be made to prevent the convergence of these concepts. Where both are concerned with how social actions are mediated through communicative practices, discourse analysis focuses on the internal linguistic features of these practices whereas ideology critique looks to explain the external aspects, or how daily lived experiences are linked to notions of interests and position (thus emphasizing the connection between meaning and power).²¹ Ideology therefore supersedes the notion that knowledge is socially constructed and adds the contention that it exhibits directionality. In other words, ideology always functions to favour some and disadvantage others.²² One of the most powerful achievements of ideology lies in its ability to present existing social relations as natural and ahistorical. Ideology distorts the connections between particular interests and the bearers of those interests so that they appear to be universal.²³ Discourse then becomes ideological when it expresses, establishes, confirms or emphasizes a self-interested, perspective or position especially when placed within the socio-political context of a broader social struggle.

Ideologies do not only exist as discrete systems of beliefs, such as the platforms of political parties, but are reinforced and operate through the activities and institutions of daily life.²⁴ Discourses are ideological inasmuch as they have the effect of sustaining or intensifying relations of domination. As discussed, the media will be the major focus as it operates as the vehicle between professional discourses of the state and the 'common-sense' thinking of public discourse. It is necessary to make the qualification that although they have a very influential role in the production of discourse, they do not

²¹ Purvis and Hunt, 476

²² *ibid.* 478

²³ Thompson, 521

²⁴ *ibid.* 522

create labels and interpretations in isolation. The media works as a conduit for the institutions of the state apparatus (i.e. police, government officials, courts) to orchestrate the public response and contributes to the ideological construction of terrorism.²⁵ This process strengthens the imbedding of ideology, as it is a mutually regenerative process that here promotes a racially marked response both from above and below.

Ideology must be studied within a socio-historical context within which forms of discourse are produced and received, as this fosters the conditions that meaning serves to sustain. In order to demonstrate how Orientalist discourse was mobilized in support of an ideology of race it is necessary to set the context of the post 9/11 era in North America. The attacks on the World Trade Centers fueled the enactment of a flurry of legislative and extra-judicial measures based on assumptions of fear, mistrust and misinformation regarding what had occurred in New York City that day. The widespread Canadian perception is frequently that because our country did not join forces with the Americans in invading Iraq that we have taken a moral high ground in the global War on Terror. While it is true that we refrained from participating in one war, Canada has supported and actively participated in the majority of initiatives undertaken by the US deemed necessary to contain the threat of terrorism. This has included the active participation (and escalation) of Canadian troops in the war being waged in Afghanistan.²⁶ Furthermore, in the post 9/11 era various members of the media, politicians, bureaucrats and military officials advocated for the suspension of rights through means such as profiling and security certificates to ensure the safety of the nation. The following section will discuss

²⁵ Hall, 30

²⁶ Despite the lack of participation in Iraq, then-Prime Minister Paul Martin suggested to CNN that Canada's participation in Afghanistan was crucial to free up US troops for combat in Iraq. Norma Greenaway, "PM decries 'bum rap' on terror: Canada is not putting U.S. at risk, Martin tells CNN," National Post Dec 6 2004, : A.4, ..

how these events triggered a moral panic that when supplemented with a resurgence of Orientalist discourse resulted in the ideological construction of the threat of terrorism and the vilification of particular sects of people identified as personifying this threat.

One of the most basic yet effectual functions of any discourse is the production and assignment of labels. Labeling is a process employed to give meaning and coherence to unfamiliar concepts by conveying definitions which fit into a familiar frame of reference.²⁷ Labels become increasingly important when assigned to dramatic public events as they serve not only to identify them but also to assign them context. From the point of its origin, all use of the label is likely to mobilize an entire referential context with all its associated meanings and connotations.²⁸ Said presents the inevitable problem of attempting to compartmentalize complex events and concepts (i.e. 'Islam', 'Christianity', 'terrorism', etc.), which results in labels becoming increasingly vague yet seemingly unavoidable. The inevitability of these labels is important to acknowledge since they have long been utilized as an integral part of cultural history rather than as objective classifications. Said describes the dual function of these labels – much like the prior explanation of discourse – as being descriptive and performative.²⁹

Labels are one of the fundamental tools employed to give meaning and coherence to dramatic events and unfamiliar concepts. Labels are accumulated over time and in periods of apparent chaos they become increasingly significant for the purposes of identifying the cause of instability creating social anxieties. History demonstrates that a perceived threat is often personified so that particular people can be blamed, persecuted

²⁷ Hall, 54

²⁸ *ibid.* 19

²⁹ Edward W. Said, Covering Islam: how the media and the experts determine how we see the rest of the world, Rev. ed. ed. (New York : Vintage Books, 1997.).9-10

and the threat can be 'neutralized'. The period following 9/11 is no exception to this tendency and in this case anyone loosely identified as being a practicing Muslim or of Arabic descent became suspected of colluding with terrorism.

To give coherence to a perceived threat the media aggregates these labels to create public images. Public images are clusters of impressions, themes and partial explanations that have the effect of being graphically compelling yet stop short of serious analysis. These images tend to stand in place of or overshadow analysis, and connections that are made tend to be descriptive rather than causal.³⁰ In this case the overarching image employed is what Mamdani refers to as the depiction of 'good' and 'bad' Muslims. 'Bad' Muslims encompass the negative characteristics described by Orientalism (i.e. violent, regressive, etc.); they eschew the Westernization of their bodies and beliefs. Muslims can also be perceived as 'bad' if they do not conform to western appearances and instead adhere to traditions of their religion, regardless of their stance on political issues. Mamdani's general contention is that all Muslims are perceived to be 'bad' unless they actively prove themselves to be 'good' by participating in the subjugation and outcasting of these 'bad' Muslims.³¹ This perception was articulated by former Chief of Defence Staff Rick Hillier who described our 'opponents' as "detestable murderers and scumbags."³² By not elaborating on who exactly our opponents are he leaves this characterization decidedly vague, allowing for it to be applied to whomever the recipient sees fit to assign it to.

³⁰ Hall, 118

³¹ Sunera Thobani, *Exalted subjects : studies in the making of race and nation in Canada* (Toronto : University of Toronto Press, c2007.).

³² *ibid.*

Statements by the media regarding the terrorist threat during this period further solidifies the personification of the fanatical Muslim as the threat which is to be feared and suspected at all times. This was further emphasized in order to demonstrate our adherence as a nation to the objectives of the United States in battling this enemy. This can partly be explained by the false, but persistent, assertion that the men that carried out these attacks entered the U.S. through Canada. A headline from the French publication *Le Monde* projected the headline “We are all Americans now,”³³ signifying the sentiments of most Western nations at the time. Similar headlines were published in Canadian newspapers to signify that Canada would join this fight and battle the perception that we are a ‘haven’ for terrorists as many politicians and media commentators from Canada and the United States have argued.

All of these factors have contributed to a process of villanization whereby this label is applied to activities of groups that authorities deem it necessary to control, thus legitimizing the need for social control by the state. By reducing any political, cultural, or economic element of the position of these groups to violence and criminality the issue becomes much more easily demarcated into designations of good and bad. The result of this process is the creation of the “folk-devil” in the imagination of the nation. The folk-devil, personified by the terrorist, represents the negation of everything the citizen believes him/herself to be, the alternative to all we know. When things threaten to disintegrate, the folk-devil not only becomes the bearer of all of our social anxieties but also becomes the target of the full wrath of society’s indignation.³⁴ In this sense the blanket term of Islam allows us to take any element of Middle Eastern cultures and

³³ *ibid.* 218

³⁴ Hall, 161

beliefs and associate it with the limited activity of terrorism. 'Islam' has come to represent everything about the challenge that certain Muslims have posed to the global Western dominated order. As Karim Karim explains, "[Islam] has come variously to refer to a religion, a culture, a civilization, a community, a religious revival, a militant cult, an ideology, a geographical region, and an historical event."³⁵ By encompassing all of these elements into the popular understanding of 'Islam', the term becomes overwhelming and therefore impossible to investigate it like other cultures and systems of beliefs.

Another common strategy of labeling that is frequently utilized in production of the image of Islam relayed to the public is what Hall refers to as 'features by microcosm.' There are two elements to this strategy, the first is the reduction of the environment to surface descriptors (thus ignoring structural factors and explanations) and the second is the suppression of possible mediations between the environment and the particular type of crime emanating there from.³⁶ An excerpt from a National Post editorial serves as a valuable illustration of this:

Those who are responsible are men from remote desert lands that are made up of tribal cultures built on blood and revenge. Men whose unshakeable beliefs and implacable hatreds go back many centuries further than the United States and its young ideas of democracy, pluralism and freedom.³⁷

This description demonstrates Said's claim that territory and mentality become inextricably intertwined. By describing the geographical origin of terrorism as 'remote desert lands,' they are created in the imaginary as vast, desolate and lawless places and illustrate the people who inhabit them as primitive and savage. This becomes the

³⁵ Karim H. Karim, *Islamic peril: Media and Global Violence*, 2nd ed. ed. (Montreal ; New York: Black Rose Books, 2003).11

³⁶ Hall, 115

³⁷ Thobani.

embodiment of the Middle East and any country that may lie in its unstable and indeterminate borders.

One of the major aspirations of this project is to identify these purposely simplistic representations in order to understand the relations between the event of terrorism and the public reaction to it, rather than accepting it simply as an objective fact. The intentional essentialism of these labels is demonstrated by an ongoing unwillingness to report political processes, the imposition of ethnocentric (and often irrelevant) patterns and values, misinformation, repetition and selective reporting by Western media and institutions that support it.³⁸

In the past as well as in the current climate these patterns act to reinforce Orientalism and allow the West to remain blinded to its own actions and its relations to the Orient or Middle East. These specific images of Islam and its meanings are produced here to avert any conversation that may attempt to discuss the role the West has played in the production of the current situation. Contemporary militant Islamic movements are the result of contemporary geopolitical realities, which include Cold War hostilities between the United States and the Soviets as well as the CIA's support for the revival of the concept of armed jihad through alliances with various Mujahedeen factions in Afghanistan during the Soviet occupation. This illustrates how particular incidents become representative of symptoms of contradictions and crisis-tendencies of the state that are widely experienced but are not given a coherent political inflexion.³⁹

Moving from the depiction of the specific labels employed to the justifications of ourselves that we seek to represent through them, the discussion must then turn to an

³⁸ Said, 44

³⁹ Hay, 202

explanation of what the broader fears being triggered are and the material and ideological effects they have given rise to.

While the potential incidence of terrorism and the threat of becoming victim to it are indeed frightening realities to face, its incidence triggers something more than just the threat of violence per se. It comes to represent the deep-seated and implicit fears that many have about a vague cultural threat that has been personified through the racialized figure of the Muslim. The violence of terrorism is the culmination of every social anxiety relating to a perceived increase in immigration and multiculturalism and their connection to the disintegration of the social order.

One article from the *Globe and Mail* frames the problem in the most rudimentary terms by arguing that the terrorist attacks demonstrated a “declaration of war on civilization [...] The enemy we face together is anti-modern medieval religious fanaticism.”⁴⁰ Framing this conflict as a ‘clash of civilizations’ (to borrow the term from Huntington) conveys the irreducible differences between ‘us’ and ‘them’ that cannot be altered by reason or any means other than direct physical violence. This civilizational inferiority becomes everything that threatens what we have and what we love. Rick Hillier again articulates the underlying fear that this conflict is about how “They detest our freedoms, they detest our society, they detest our liberties.”⁴¹

The most important result of all of this is something that is all too common in times of moral panic: scapegoating. Scapegoats are used to represent all of the disturbing experiences in one condensed image. These scapegoats are constructed through a combination of processes previously discussed and then actualized through the collective

⁴⁰ Thobani,

⁴¹ *ibid.*

consciousness of society as the aforementioned folk-devil. The folk-devil becomes the impetus and legitimation for the mobilization of a control culture and the erosion of legal and political rights that often accompanies it. The scapegoat is then symbolically rejected or cast out as they are blamed for causing the social anxieties that have often triggered their emergence in the first place.

The pre-cursor to the production of this particular folk-devil is race-thinking, which can be described as a belief in the division of humanity based on those prone to violence and those who are not according to descent. This is often accompanied by the idea that there must be two different, hierarchical legal regimes for each. In the current context this has been actualized through the many varieties of racial profiling that have become commonplace in this hypersecuritized era. By making profiling a politically acceptable technique of governance it inscribes suspicion and illegality onto the bodies of those who 'look' like Muslims. The racialization of this religion is one of the major ideological effects produced by this discourse. This contributes to the vague image of Islam that has been illustrated here and has led to the perception that anyone appearing to be from the Middle East can 'match' this profile. It is precisely this lack of specificity that gives racial profiling its potency, allowing for a broad use of discretion. These practices, supported by essentialist discourse have contributed to the entrenching of the already dominant ideology of the moral supremacy of the newly hypervigilant citizen and the inherently racist assumptions on which it is predicated.

This chapter has attempted to identify and elaborate on the process by which discourses are embedded into common sense and are mobilized as ideologies that are employed to retain uneven power structures and relations of domination. The discourse

of Orientalism is an economy with strategies, goals and tactics that have constructed a political vision of reality promoting the differences between familiar and strange. This demonstrates the performative power of discourse as it works to (re)produce knowledge and implement frameworks that limit our understandings of places, events and people. The ongoing reification of this discourse has engrained the image of the primitive, fanatical, violent Muslim in the national and Western psyche. This has enabled the vilification of the Muslim, demonstrating how constructed narratives we assume to be true are reinforced and materialized in dangerous ways against those who are already vulnerable. This image of the Muslim Terrorist justifies the need for heightened security measures that target particular groups based on the vague notion of suspicion. This image is seen as unchanging and ahistorical, entrenching itself as common sense, as does the complementary image which is the national citizen. This racial targeting demonstrates how policies reflect ideal goals without confronting the inevitable effects of the pursuit of these goals. More concerning is the ease by which we allow people to be targeted with insufficient information or context inserted into any depiction of current events or their implications. By relying on civilizational discourses to explain terrorism we revert to prejudicial and insufficient explanations that inextricably tie people with the places they “come from”. It carries deeper assumptions of one’s connection with and belonging to society, which the next chapter will illustrate can have grave effects on individuals and their humanity.

Chapter Two: The Ambiguity of Citizenship, the Shift towards Totalitarianism and the Production of Living Corpses

This chapter will focus on a second set of concepts that will demonstrate the material and ideological effects resulting from the mobilization of racial ideology. These effects will demonstrate the fragmentation of the social elements of citizenship resulting from the globalized security regime that emerged in the aftermath of 9/11. The concept of liberal citizenship must first be examined, particularly in how it fits with imagined concepts of the nation and its accompanying discourses. From here we will examine the contradictions inherent in the ideals and values of liberal citizenship that are embedded in the national psyche. The contradictions inherent in citizenship will be articulated through theoretical insights developed by Hannah Arendt. These will be used to demonstrate how simultaneous processes of individualization (via securitization) and generalization (racialization) have altered citizenship and enacted a process of dehumanization for thousands in this post-9/11 era. These processes are indicative of a broader shift in governance that has been characterized by the centralization of power and perversion of international legal principles that seeks unquestioned compliance.

National Communities and the Ideal Citizen

One of the critical focal points in the 20th Century discussion of liberal citizenship centered on T.H. Marshall's seminal lecture, Citizenship and Social Class. Marshall's understanding of citizenship included the accumulation of civic, political and social rights with each one being the foundation for attainment of the next. In this sense Marshall saw the institution of citizenship as a cumulative rights-based exercise. He was particularly concerned with the accumulation of social rights as he believed that this would mitigate the inequalities created by capitalism, thus diminishing the possibility of class conflict.

Social rights also created the framework for a shared social heritage wherein acceptance as full members of society could be gained.⁴² Marshall's conceptualization of citizenship is teleological in nature as its thrust is focused on the production of the ideal citizen who has achieved and responsibly employs each of these rights.

This theorization of a rights-based citizenship is integral to many national discourses and the operation of the nation-state. Arendt discusses the importance of citizenship for the nation in creating and reinforcing "*the people*" in the imaginary. Since the French Revolution Mankind has been perceived in the image of a family of nations, demonstrating that the image of man was in fact the image of the people.⁴³ It is evident then that the 'rights of man' have historically been perceived to be those belonging to the nation rather than the individual, making one's membership within the nation of the utmost importance.

This understanding of *the people* which constitutes the national community has the effect of continuously reproducing itself through a mutually complementary process of official nationalism from above and popular nationalism from below. The reification of *the people* and the national community leads to a depoliticization of these concepts, thus naturalizing them within the national psyche. Through this process communities produce the effect of unity that is necessary for the control of political power; this unity is strengthened when presented with a threat from a visible 'Other'. The relevance of this process for our purposes is in the way that it interpellates individuals as subjects of the nation, thus constructing a vital element of their identity, which is also depoliticized. The

⁴² T. H. (Thomas Humphrey) Marshall and T. B. Bottomore, *Citizenship and social class*. (London,: Pluto Press., 1991.). 10.

⁴³ Hannah Arendt, *The Origins of Totalitarianism* (New York : Harcourt, Brace, 1951). 291

real point of interest is how dominant reference points of individual identities shift over time with those of the state institution.⁴⁴

The state employs certain representational strategies in order to solidify the national community in the imaginary. These include the establishment of a master narrative, the foundational myth, the timelessness and continuity of the people, fictive ethnicity and the invention of tradition.⁴⁵ These strategies combine to rework the origins and practices of the nation in a way that projects the ideal nation and a preexisting unity that ties race to the state and its perceived historical mission, thus idealizing politics.

The natural progression from the ideal nation is the creation of the national subject, who is the personification of the quintessential characteristics of the nation and embodiment of its norms, values and ethics. This makes the Canadian national subject a law-abiding and responsible citizen, compassionate, caring, and committed to the values of diversity and multiculturalism.⁴⁶ The national subject is exalted to ensure its perception as a particular kind of human being belonging to a particular kind of community, thus making them ontologically distinct from strangers to this community. The ideological form of the national subject becomes an integral part of communicating the ideal characteristics by subordinating differences and relativizing them in a way that makes them the symbolic difference between “us” and “them.”⁴⁷ These differences are considered irreducible and predetermine the ways that people evaluate and experience belonging.

⁴⁴ Etienne Balibar and Immanuel Maurice Wallerstein, *Race, nation, class: ambiguous identities* (London ; New York : Verso, 1991.).

⁴⁵ Stuart Hall, "The Question of Cultural Identity," *Modernity and Its Futures*, ed. Stuart Hall, D. Held, and T. McGrew (Cambridge: Polity Press, 1992).

⁴⁶ Thobani, 4.

⁴⁷ Balibar and Wallerstein.

One of the most essential ways to visibly distinguish people is through race and this is actualized through the production of a fictive ethnicity. While states do not possess an ethnic base naturally, as social formations become nationalized their populations develop discourses of ethnicity which become naturalized.⁴⁸ This development of race-thinking within the national psyche demonstrates how ideologies of race and the nation are historically intertwined with one another, as well as the ease with which they can be mobilized. This validates the contention that nations should be considered as dynamic groups of individuals that create webs of social relations as opposed to more traditional understandings that emphasize sameness.

This depoliticization and naturalization of the national subject demonstrates how references to nationality and citizenship have developed side by side, enabling the terms to be used interchangeably. This presents a problematic situation in terms of determining membership and belonging as citizenship is meant to convey a legal status whereas nationality correlates to something akin to sentiment. Nationality has ties with an individual's emotional and psychological attachment to the state and seeks connections with people who share these common attributes and histories.⁴⁹ This reinforces the exaltation of the national subject and entrenches a perceived distinction between them and the 'outsider'. This outsider becomes synonymous with the non-citizen and is perceived as the negation of everything that the national subject/citizen is said to embody. Their differences are illustrated through essentialist binaries that depict subjects as law-abiding and outsiders as lawless; subjects as compassionate while outsiders resort to deceit to get what they want; subjects are tolerant while outsiders are not. Even

⁴⁸ Ibid

⁴⁹ Ibid

individuals who are legal citizens may not be deemed 'authentic' Canadians and attributed the characterizations of the non-citizen.

These representations are inscribed into the legal and political order and naturalized, thus embedding the subject's humanity as ennobled and elevating their rights over others. This understanding is reinforced both by the state and popular discourse thereby facilitating their experience of belonging through recognition and the cultivation of a shared identity. The state treats the rights of subjects as being rooted in their worthiness which overshadows the realities of colonial violence, political, racial, classed, gendered or ethnic dominations and exploitations that always influence national formations and the subjects they produce.⁵⁰

Contradictions of a Rights-Based Citizenship

From the explication of the convergence between the nation and citizenship we can return to the theory of a rights-based citizenship in order to dismantle the contradictions it embodies. Marshall was correct in his intention of incorporating social rights as citizenship can never be understood solely as a legal status. Audrey Macklin characterizes legal citizenship as the formal status of membership as understood by international law. The rights that accompany this form of citizenship include the unconditional right to enter and remain in the state, the right to vote, as well as access to consular assistance and diplomatic protection. Social citizenship encompasses the more voluminous package of rights, responsibilities, entitlements, duties and attachments that characterize membership within a national community.⁵¹ This element of citizenship is difficult to quantify but alludes to an individual's perception of their ability to actively

⁵⁰ Thobani.

⁵¹ Audrey Macklin, "Who is the Citizen's Other? Considering the Heft of Citizenship," Theoretical Inquiries in Law 8.2 (2007). 334.

and effectively participate in democratic processes. It also denotes an individual's confidence in the institutions of the state to protect their interests. Social citizenship is vital to an individual's sense of belonging to the nation and the extent to which one is capable of claiming and accessing the legal and political rights afforded to them by right of their formal citizenship.

Marshall's understanding of citizenship has been critiqued on multiple grounds but I will limit my comments to say that for our purposes his theory of citizenship must be rejected for three reasons. The first is that his concept of the social is limited to a particular set of socio-historical conditions. Where he believed that class inequalities were the most significant obstacle for citizenship, the steady escalation of migration and the emergence of identity politics have challenged this assumption. This increase in mobility has led to the proliferation of multiple citizenships which is problematic for his assumption of a dedication to a common society.

The second obstacle lies in the teleological nature of citizenship as Marshall conveys it. By assuming that all individuals will similarly attain rights in a linear fashion assumes a particular endpoint: the ideal citizen. The citizen is imagined to be the representation of the values of the nation and therefore any deviation from what are perceived to be necessary attributes and beliefs becomes problematic.

Finally, Marshall's theorization of citizenship presupposes that all individuals within the state are included in this process of accumulating rights. This presents a problem for the many people who exist on the margins of belonging, as they are not acknowledged in this discussion of citizenship. In Marshall's teleological perception of citizenship social rights represent the final rung of the ladder to full citizenship.

Macklin's discussion of social citizenship should be considered here in order to evaluate this claim. If the social aspect of citizenship is representative of an individual's feeling of belonging to a state then it would follow that this is a necessary element for claiming rights. In other words, the strength of his/her attachment to the state precedes one's ability to effectively claim the legal and political rights that they are entitled to.

While the particularism of competing identities has always stood in opposition to the universal ideal of citizenship the accumulation and strengthening of emerging identity claims has made this struggle all the more contentious. The politics of citizenship have required individuals to subordinate these identities and particular interests arising from daily life. This instance of having to denounce certain elements of one's identity in order to prove allegiance to the nation has become increasingly apparent in the post-9/11 era. As was discussed in the previous chapter, the evaluation of 'good' and 'bad' Muslims based on the extent to which he/she appears to be westernized has become commonplace in determining loyalty.

This situation does not present an anomaly in the historical evolution of Canadian citizenship, as it has always been an exclusive institution and arena of struggle. Citizenship has worked to obstruct certain identities and the relations involved so as to legitimate discourses that maintain oppression based on these identities. As a settler society, the nation-building project of Canada was instilled with standards of race, gender and class that were considered to constitute 'civilization' from which every group of immigrants was measured and ranked.⁵² The racialized citizen has therefore been a historically reinforced concept within the nation. Most 'non-preferred races' were

⁵² Daiva Stasiulis and Darryl Ross, "Security, Flexible Sovereignty, and the Perils of Multiple Citizenship," *Citizenship Studies* 10.3 (2006): 144

excluded until the 19th Century when they were required for cheap labour, though their inclusion existed in a staunchly qualified form.⁵³

The central contradiction of Canadian citizenship is that the rights of potential and actual citizens remain based in the institution of white supremacy.⁵⁴ This represents Canada's fictive ethnicity as the white European settler is imagined as the national subject constituting the natural community rather than one that has been enforced through colonial violence and racial exclusion. The 1960s and 1970s saw a period of immigration liberalization that eliminated overtly racial classifications, increased access to previously excluded groups and the adoption of Canada's policy of state multiculturalism.⁵⁵ Contradictions remain present within the economy of a supposedly liberalized Canadian citizenship. Despite providing access to previously denied groups, a distinction remains between Canadian-born and naturalized citizens; this conveys the perception of a hierarchy of conditional and unconditional citizenship where some citizens seemingly have an ongoing performative requirement to retain belonging.

Even as greater access to citizenship has been acquired by racialized peoples, their de facto inequality has been maintained through their ideological designation as immigrants, visible minorities, or new Canadians. This coincides with the racialization of 'persons-on-the-move', which is central to reinforcing the earlier conception of immigrants as outsiders by citizens who claim inalienable rights and prevent others from accessing them.⁵⁶ These distinctions serve to enforce the myth of a homogenous identity and the nation as a non-racial entity, despite the constant attention to racialized categories

⁵³ Thobani, 15-16

⁵⁴ *ibid.* 74

⁵⁵ *ibid.* 97

⁵⁶ *ibid.* 72

within the psychological and physical space of the nation. The liberalization of citizenship has reinforced the myth of Canadian adherence to human progress and identity as political rather than one that is racially marked. Therefore, while citizenship has historically been the signifier of inclusion, the verity of this claim has diminished as even formal inclusion has demonstrated inequalities between those deemed natural and second-class citizens. Macklin's distinction between legal and substantive citizenship is still problematic in that it does not reveal the conflict between academic and popular understandings of it. It does not take into account the role of public perception on the ability to be recognized as or denied belonging, which will be demonstrated as vital within the following sections.

Agency, the Value of Humanity and *Homo Sacer*

The previous section demonstrated how the institution of state-based citizenship is rife with contradictions and exclusion despite its projection of universal inclusion. In The Origins of Totalitarianism Arendt was particularly concerned with this topic in relation to the masses of refugees resulting from the Second World War and their inability to claim individual rights upon becoming stateless people (*apatride*).

One of the focal points of this work lies in an individual's 'right to have rights', which can be understood as person's ability to claim and practice political subjectivity. Arendt explains that the deprivation of rights is manifested in the deprivation of a place where one's opinions are significant and their actions are effective. She elaborates that,

Something much more fundamental than freedom or justice, which are the rights of citizens, is at stake when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice.⁵⁷

⁵⁷ Arendt, 296

The crux of this problem then does not lie in the fact that people become deprived of rights but that they do not belong.⁵⁸ When individuals have nowhere to exercise their political subjectivity through meaningful actions and opinions then their lack of belonging is solidified as there is no space for them to claim human rights that are supposedly guaranteed to everyone.⁵⁹

In the current geopolitical conditions we see how this has again become the case to varying degrees for many groups of people. The many varieties of being de facto stateless, have proliferated in the last ten years in a way that has had grave effects on the ability of many individuals, including Omar Khadr, to enact agency over the way that they are perceived and thus treated by domestic and international legal and security authorities. The normalization of profiling for instance has shifted democratic perceptions of social citizenship that alters our perception of the citizen away from a political subject with a 'right to have rights' and closer to a depoliticized construction of the low-risk citizen based on authentication by surface forms of identification. This has been exacerbated by the fabrication of new 'legal' classifications for individuals captured in combat. This emphasizes the necessity for individuals to be able to enact social citizenship in order to properly constitute themselves as political subjects and make legitimate claims to rights.

It is at the point where people have become the *apatride*, lacking a state or community wherein to claim rights politically, that they should be able to defer to a completely different set of rights embedded in the innate value of being human. These rights are meant to be a reflection of our most fundamental principles of humanity, justice

⁵⁸ *ibid.*295

⁵⁹ *ibid.*296-297

and equality, thus their codification into international laws. Arendt points out that the concept of human rights is flawed because though it posits an abstract human being that exists outside of the confinements of the nation-state, the rights and duties to which they refer to are implicitly tied to institutions of citizenship and sovereign nations.⁶⁰

Despite the growing popularity of a discourse of adherence to human rights that has become embedded within international relations and national imaginaries since the time of Arendt's writing, the extent to which they are enforceable remains tenuous at best. Human rights do little to halt the disintegration of protections for stateless people as these rights have "never been philosophically established but merely formulated, [...] never been politically secured but merely proclaimed, [and] have, in their traditional form, lost all validity."⁶¹ Without some form of political accountability the inalienable rights of humanity are repeatedly proven to be unenforceable, thus reinforcing the supremacy of the state-centric system.

Arendt contends that it is at the moment when people should be able to claim the protections provided by their humanity is precisely when those that profess the value of these rights turn away. People who have lost all other qualities and relationships other than the fact that they are still human apparently have lost all that makes it possible for others to acknowledge that this is so. Despite ongoing claims of an adherence to human rights, the security regime established in the 'War on Terror' has demonstrated that there is "nothing sacred in the abstract nakedness of being human."⁶²

Just as in Arendt's time, this reality has played itself out once again through demonstrating the extreme vulnerability of the human life that has no claim to a state and

⁶⁰ *ibid.*290-291

⁶¹ *ibid.*447

⁶² *ibid.*299-300

the protections that only it can ensure. This individual that has been completely abandoned by the law is deemed as *homo sacer*, reduced to naked/bare life.

The concept of bare life is based on the distinction between the Greek concepts of *zoe*, which is life in its basic biological form, and *bios politikos*, which is the political or qualified life. When one is reduced to nothing more than their biological selves they have no political value and become bare life. Due to its lack of legal or political significance the bare life can be extinguished with impunity or relegated to places that are outside the established juridical order.⁶³

The most extreme form of these zones of indistinction is the Camp. Arendt separates the idea of the camp into three levels of Hades, Purgatory and Hell. The last is likened to the creation of the Nazi death camps, in which “the whole of life was thoroughly and systematically organized with a view to the greatest possible torment.”⁶⁴ She describes the death camps, or “holes of oblivion”, as the place where those reduced to bare life have been expelled not only from the public space but from the earth altogether.

The current illustration of this is Guantanamo Bay. This prison was built on a US naval base in Cuba and has held some 650 foreign nationals from over forty countries, many of whom were arrested in Afghanistan in 2002. The US administration has used both the extraterritoriality of the camp, as well as the artificial classification of its inhabitants as ‘unlawful enemy combatants’ to bypass procedures and standards of domestic and international law. The prisoners are subject to ad hoc legal procedures of

⁶³ I take this opportunity to acknowledge the extensive literature on this topic by Giorgio Agamben and his commentators. While I note that he has made enormous contributions to the discourse surrounding this topic I will refrain from discussing his work for the purposes of this chapter so as to remain focused on its effects flowing from struggles to claim citizenship rights.

⁶⁴ Ibid 445.

military tribunals, providing them with fewer rights than if they were tried through domestic law or as prisoners of war through international mechanisms.⁶⁵ The jurisdiction and classification of its prisoners is purposefully vague in order to imply confusion over who is 'responsible' for these people, thus allowing for no one to ever be. Their location emphasizes their lack of citizenship or belonging and attempts to ensure that they will never retain either again.

The employment of these legally flexible locations and classifications demonstrates a shift towards totalitarian-style tactics that seeks total domination; one which is effected in the Camp through the absolute isolation of its inhabitants from the rest of the world and the destruction of pre-existing legal, political and social processes in lieu of self-serving political institutions.⁶⁶

Arendt describes the process of dehumanization that inhabitants of the Camp undergo as the production of living corpses. The first step of this process is the destruction of the juridical person, which has been illustrated through the construction of ad hoc legal processes and classifications, the extraterritoriality of Guantanamo Bay, and the deprivation of a system where a definite crime entails a predictable penalty.⁶⁷ The nature of the detention of many of Guantanamo's inhabitants is based on suspicion of who they are rather than evidence of what they have done, and is (theoretically, if not practically) preventative rather than punitive.

The subsequent steps involved in this process are the destruction of the moral and individual elements of a human being that make each distinct from others. The methods

⁶⁵ Kim Rygiel, "The Securitized Citizen," *Recasting the Social in Citizenship*, ed. Engin Isin (Toronto: University of Toronto Press, 2008).224

⁶⁶ Arendt, 438

⁶⁷ *ibid.*447-448

of psychological and physical torture experienced by the detainees at Guantanamo Bay were undertaken to satisfy the totalitarian-style aim that can only truly be enforced in the camp, of making individuals equally superfluous. This is done by obliterating human dignity through submission.⁶⁸

It is when we become accustomed to places without law and the classification of peoples that law does not apply to that we enter this world of the Camp.⁶⁹ It takes little reflection on the prison's inhabitants to demonstrate that the ontological exclusion of humanity that characterizes their existence is clearly racially marked. The illustration of Guantanamo Bay and its effects on the individual demonstrate the endpoint of a long process by which domestic and international security regimes slowly chip away at the rights of a broadly defined group, enabling them to completely dehumanize specific targets of suspicion that can be classified in this group.

Risk Assessment and the Alterities of Citizenship

The terrorist attacks on the United States sparked a global panic in response to the suddenly apparent threat of non-state based violence. Since 9/11 the discourse and images conveyed by the government and the media have proliferated and illustrate life as being inherently insecure. People require explanations for unfamiliar events and one of the inevitable results of attempting to provide those explanations quickly is the assignment of blame. This leads to a 'governmentality of unease', which is a strategy that prematurely and prejudicially assigns risk to certain groups of people, enabling them to be blamed before committing any crime. The assignment of blame comes from these

⁶⁸ *ibid.* 453-455

⁶⁹ Sherene Razack, Casting Out: the eviction of Muslims from western law and politics (Toronto : University of Toronto Press, 2008).28

anticipatory profiles and the projection of them generally upon people belonging to the designated risk category.⁷⁰

These targeted groups are assigned labels that exemplify their personification of the threat at hand and help foster a climate of suspicion towards them. The present conditions have assigned the Muslim as the scapegoat for the threat of terrorism. The image of the essentialist figure described by Said has been mobilized to embed an ideology of race that has allowed for the vilification and racialization of the Muslim. The production of this folk-devil allows for the threat to be characterized as something more than terrorism; the conflict escalates to an ideological struggle that conjures up the Orientalist paradigm of a clash between civilizations. The threat of the terrorist, reinforced by civilizational discourses justifies any tactics that may be employed by the West to suppress it. The amplification of the risk of being targeted is employed to justify the use of state-based violence and extra-legal measures (such as the redefinition of torture). This clarifies that these alterations to pre-existing legal systems are against our normative beliefs only because of the unique threat presented by the fanatical Muslim terrorist.

The production of monster figures in times of crisis legitimates new regimes of security and citizenship deemed necessary for social order.⁷¹ In this new citizenship regime, designations of the authenticity of one's citizenship are influenced by surface assessments based on one's appearance and life history. This question of identification has become pivotal due to its influence on the ability of individuals to effectively gain recognition and claim rights. In times of crisis the nation has demonstrated a tendency to

⁷⁰ Macklin, 336

⁷¹ Hall, 50

become constricted, preserving the access of citizenship rights to those individuals that meet the criteria for recognition.⁷² The tenuous nature of rights that should be ensured by citizenship is given ideological justification by the demonization of groups that have been deemed 'risky' based on the broad characterization imposed on them.

It is important to acknowledge the fluidity of the process of identification. Identities are neither stable nor fixed so it is not difficult to see how in times of crisis they can shift and redraw imaginary boundaries that signify belonging. Ideological struggles surrounding the question of citizenship are always employed to reinforce particular power structures and relations of domination by giving certain subject positions priority while marginalizing others. Membership in the political community is inherently unstable and the normalization of race-based security tactics has led to a steady diminishing of social rights for people falling into categories of 'risk'. The differences between citizens and non-citizens are redrawn according to a dynamic process of struggle and negotiation even though they may be experienced as natural.⁷³ Risk profiling has the effect of making those with citizenship vulnerable based on their birth origins, as well as national and religious backgrounds. Profiling goes beyond interrogating criminal actions but targets who a person is and determines what behaviours are suspect.⁷⁴ This is akin to Arendt's rightless person who has become deprived of belonging based on identification rather than specific crimes.⁷⁵ To the extent that this naturalization embeds itself, achieving a certain degree of stability in the institutions, discourses, and practices of a

⁷² Trevor Purvis and Alan Hunt, "Identity Versus Citizenship: Transformations in the Discourses and Practices of Citizenship," *Social & Legal Studies* 8.4 (1999). 466

⁷³ Stasiulis and Ross, 329-348

⁷⁴ Rygiel, 218-219

⁷⁵ Arendt, 295

society, a new ‘common sense’ is achieved. This common sense determines not only the content of identities but the extent to which they are capable of securing recognition.⁷⁶

By demonstrating how fear can mobilize ideologies that target specific groups of people as its cause we see how these categories of identification within a state can quickly shift at any given moment. The complexities of citizenship cannot be articulated through a strict citizen/non-citizen binary but must be viewed as having many gradations of alterity; these identifications are assumed to be “overlapping, fluid, contingent, dynamic, and reversible boundaries and positions.”⁷⁷ Macklin posits citizenship as a spectrum, with many varieties of alterity (refugee, alien, dual citizen, second class citizen) that all signify various levels of belonging. As these identities evolve according to the various needs of national subjects, it becomes clear that the alterity does not pre-exist the notion of citizenship but that it is constituted by it.⁷⁸ The degrees of this alterity determine the ‘heft’ of one’s citizenship, which is produced at the intersections of variables that constitute legal and social citizenship for a given individual. Therefore the degree to which an individual can claim agency over his/her citizenship rights is highly specific to the individual, his/her personal attributes and the state that he/she is seeking a claim to.⁷⁹

The perception of ‘foreignness’ is a common attribute that implicitly designates an individual as falling within the spectrum of the alterity to citizenship. A common attribute that would designate an individual as belonging to the alterity – particularly as this concept becomes more sweeping – is the perception of foreignness. While this label

⁷⁶ Purvis and Hunt, 474

⁷⁷ Engin Isin ed., *Recasting the Social in Citizenship*, 2008). 30

⁷⁸ Rygiel.

⁷⁹ Macklin, 362

has no objective significance it is a symbolic marker that is attached to people that can be disavowed, detained or deported because of the threat they are interpreted as embodying.⁸⁰ This perception of foreignness allows for those within the citizenry to be targeted as well as non-citizen Others. This has led to a resurgence of ‘sleeper-cell’ theories that rationalize profiling people that have lived in Canada for the majority (if not all) of their lives, reminiscent of the treatment endured by Japanese Canadians during WWII. Being perceived as having an allegiance to another state (particularly depending on the state) presents a loophole of an individual’s ‘normative authenticity’ as a citizen. Omar Khadr has endured the effects of being perceived as foreign; despite the fact that he has citizenship by birthright, he has been systematically deprived of multiple rights that are owed to him. Three different Canadian governments have consistently denied any responsibility for Khadr or jurisdiction to intervene, thus relegating him to periods of indefinite detention and physical torture having no recourse to claim rights or exert agency over his suspicion as being a terrorist.

The Expansion of Security and the Truncation of the Social

If we are to believe that degrees of citizenship and belonging can be more effectively understood as being situated on a spectrum, then so too can the variations of rights deprivations that have occurred in the aftermath of 9/11. While some will be overtly subjected to racial profiling, others will be denied mobility rights, unlawfully detained and even tortured. It is when individuals are placed in situations when they require assistance from their government and do not receive it that they recognize the weakness of their claim to citizenship and the helplessness of having no alternative.

⁸⁰ Audrey Macklin, "Exile on Main Street: Popular Discourse and Legal Manoeuvres around Citizenship," *Law and Citizenship*, ed. Law Commission of Canada (Vancouver: UBC Press, 2006).

When considering this spectrum of losses it is vital to recognize that the acceptance of any exceptions to or alterations of legal standards (no matter how slight) can lead to a flux of legal ambiguities. The silent consent to small transgressions is the first step in a process whereby the limits of legality can be stretched to the point of allowing major rights abuses.

Citizenship in this context should be viewed then as the intersection between a formal legal status and citizenship as it is practiced. It should be interpreted as a regime of governance over individuals, groups and populations that create national spaces as an aggregate of overlaying relations that involve a range of actors and forms of political relations, knowledge and powers.⁸¹ In the current security regime the discourse of citizenship has shifted to one pertaining to 'identity management' that is actualized through strategies that reduce people to surface level characteristics and then consider them as members of a political community. These technologies have regulated access to space and therefore access to rights while hiding their exclusionary character by presenting themselves as neutral.⁸² This has resulted in two simultaneous yet contradictory trends towards citizenship becoming internationalized as well as privatized and individuated.

One of the major distinctions that marks this conflict off from others historically is that the War on Terrorism is not a state-based conflict but has rather been characterized as a battle amongst civilizations. The threat of terrorism can lurk anywhere and this has led to an increased harmonization of security policies, information sharing, and a

⁸¹ Rygiel, 228

⁸² *ibid.*221

determination of whom the undesirable populations are based on 'risk' factors.⁸³ The unified mobilization has reconfigured the relationship among state interests, international security and state relations in regard to the context of these seemingly exceptional threats. This has exposed an emerging contradiction between a nation's duty to protect its citizens and its inclination to be cooperative with other western states and their common security goals. This has manifested itself through the redefinition of borders and participation in extralegal detention practices.

Through the process of sharing rationales and practices of governing, largely established by the United States, the geographical imaginings of borders occur, whereby the regulation of one's own state borders is connected to a broader vision of regulating common borders.⁸⁴ By considering borders based upon civilizational lines we are left with the previously mentioned practice of targeting the 'foreigner within.' The search for 'home-grown' terrorists has led to the deterioration of rights for marked individuals regardless of their citizenship status. Following September 11, 2001 thousands of immigrants and refugees were rounded up for detention in both the United States and Canada, emphasizing the fear that terrorists could be anywhere and enforcing a suspicion that all authentic citizens should assume.

This shifting of borders has also led to the creation of places like Guantanamo Bay, which have intentionally emerged as legal gray areas due to their location and jurisdiction. These heightened security standards and legally altered places have had grave effects for non-citizens and citizens alike. While people without citizenship rights are obviously the most vulnerable, the events of the past ten years have demonstrated that

⁸³ *ibid.* 229

⁸⁴ *ibid.* 229

people with multiple citizenships (or those perceived as having allegiances to multiple states) are considered in relation to all of them. This has led to situations where individuals have been unprotected and left *de facto* stateless; this occurs when a state refuses to acknowledge the citizenship of a national abroad for purposes of diplomatic protection, consular assistance or repatriation, at least for critical periods of time.⁸⁵ This has been a common trend for dealing with a number of suspect or undesirable Canadian individuals, including Omar Khadr.

Diplomatic and consular protections are intended to be fundamental legal claims of citizenship; they represent the symbolic right to be acknowledged by one's state as a political subject deserving of national protection.⁸⁶ The right to consular access is not meant to be dependent on an assessment of guilt or innocence but in the case of Khadr, as well as for the numerous other cases of Canadians detained abroad, his ability to claim this right was implicitly influenced by evaluations of his normative claim of belonging to Canada. When Canadian officials finally did come to meet with Omar Khadr, it was for the purposes of colluding with his captors to interrogate him rather than provide any of the rights inscribed by his citizenship.⁸⁷ The cases of the multiple Canadians held abroad who have faced this obstacle demonstrates the evaluative process that states undertake in weighing the duties it owes its citizens versus the maintenance of good relations with other states. The increasing reality of states colluding against individuals highlights the inadequacy of state-based citizenship and the international system of human rights that is meant to act as a catchall for the protection of individuals against states.⁸⁸ Through these

⁸⁵ Macklin, 341

⁸⁶ Stasiulis and Ross, 331.

⁸⁷ Macklin, 38

⁸⁸ Macklin, 344, 356

detention practices we see how citizenship can be seen as a hierarchical regime of governance as formal membership within the nation is no longer the primary signifier of belonging or protection.

Citizenship, rather than becoming more fluid with the supposed progression of globalization, has become reprioritized in the security regime and what has essentially occurred is the normalization of a 'flexible sovereignty' wherein states move in and out of spaces, labeling and localizing 'zones of abjection' which function to devalue the benefits of holding a 'desirable' citizenship, such as Canada's.⁸⁹ The norm of this flexible sovereignty in the post-9/11 era is marked by non-responsibility for non-citizens coupled with a willful blindness toward those citizens whose authenticity is tainted by their race, religion, or various citizenships or allegiances. New security regimes are rife with the hypocrisies of identity and legality. Nations such as Canada project an image of lawfulness and human rights that is marred by cooperation with other states against the rights of their own citizens. The consolidation of information and policies among states has led to the implicit cooperation with, or deferral to, states – through practices such as rendition – that are known to have poor human rights records and then publicly decry the same states and their actions once the suspicion of torture has become public. The physical instance of torture is, however, only the endpoint in a long process of dehumanization that is fostered by discourses and ideologies that have become entrenched in the common sense of the populations of Western nations.

As the nature of institutions become more collective and organized, the greater the isolation and surveillance of the individual subject become.⁹⁰ As state institutions and

⁸⁹ Stasiulis and Ross, 329-348345

⁹⁰ Hall, 610.

inter-state strategies became more consolidated, we see the status of individuals becoming more polarized and securitized depending on how they are assessed according to risk. As the state's sovereignty towards protecting the rights of its inhabitants becomes more flexible we see the simultaneous and contradictory trend of the individual having to prove their citizenship through responsabilization. The responsible and irresponsible citizen is divided in this context based on practices that would designate one as fitting into the generalized figure of the terrorist based on Orientalist characterizations. This is actualized through risk profiling, enabling more than the regulation of movement of peoples but also encourages individuals who could be perceived as 'irresponsible' to self-regulate aspects of their daily living and lifestyle choices. This reinforces an essentialist understanding of one's fundamental freedoms as being guaranteed so long as they fit within a range of the perception of the idealized citizen.

Securitization is employed here as a set of practices of governance that contrasts issues of security and politics, which is deployed to depoliticize policy issues by labeling them security issues. Securitization, therefore, does not reference an objective realist or immanent threat but is instead the result of social processes that actively represent particular categories of people as threats.⁹¹ This removes the issue from the realm of debate and allows for the nature of the threat and the profile that has created it to go unaddressed. Again, we see this process actualized through protecting common borders and extralegal detention practices.

The rhetoric of protecting common borders and the hunt for the enemy within has warranted credence due in part to the discourse that blames lax immigration policies for the infiltration of terrorists. This has held particular sway in Canada due to the

⁹¹ Stasiulis and Ross, 335

misperception that the 9/11 bombers gained access to the United States through Canada. This discourse has promoted the necessity of localizing borders to the bodies of individuals rather than territorially, further legitimating the application of prejudicial characterizations of risk.

This individuation becomes abundantly obvious in examining the status of those individuals held at one of the many extraterritorial and extralegal detention zones, such as Guantanamo. A number of Canadians have been victims of what Stasiulis has dubbed 'opportunistic rendition' wherein states "take opportunities as they present themselves to employ the 'expertise' of foreign security agencies" by ensuring that torture takes place at an arm's length from Canada and its security institutions enabling the state to deny any responsibility or complicity.⁹²

Prior to any physical or psychological torture, there is a long process of rights deprivations that take place that the Canadian government has either participated in or been complicit with. Several Canadian examples demonstrate how being perceived to have multiple citizenships or identities has been the impetus for exposing individuals to these extra-legal forms of detention. In many of these cases the presence of suspicious alternative identities of individuals overshadowed their effective Canadian citizenship allowing for an invocation of non-responsibility from the government. This is precisely the goal of detention, particularly in these ambiguous places, to keep its inmates invisible with the aim of them being forgotten thus ensuring their expurgation. The inability of individuals to establish agency over their identities and have recourse to a state that will protect their rights exposes how this process has escalated to the point where the prisoner is reduced to a state of bare life.

⁹² Ibid.

As the previous section confirmed, this era has involved a reconfiguration of state institutions and inter-relations. Another element of this reconfiguration is the inclusion of non-state actors and corporations; the increase of these parties has been evidenced through the use of privatized security companies both domestically and internationally. The alignment of securitization and privatization demonstrates further how many elements of society are utilized to interpellate particular subject positions. This process not only marginalizes those who may be caught within the broad threat classification but also embeds suspicion within 'responsible' citizens to be increasingly vigilant against those perceived to be 'irresponsible'. An increased collaboration between the citizen and law enforcement has become an essential element of the response to the threat of terrorism.⁹³ This demonstrates the consolidation of the state apparatus through a diminished requirement for direct coercion; the dispersal of power to private actors and the responsabilization of individuals reinforces the mutual governance of citizenship.

While this is often portrayed as a reaffirmation of the nation we see that this is false based on the tenuous nature of protections afforded to particular groups within it. Securitization has mobilized citizenship as a particular mode of exclusionary practice, requiring a performative aspect in order to maintain belonging. This is advantageous as it facilitates a mode of governing that is seen as legitimate, masking the hypocrisy of requiring the utmost loyalty of the citizen while the government reserves the right to withdraw protections depending on one's appearance of belonging to the state.

This chapter has attempted to outline the process by which the tenacity of Canadian citizenship has eroded from within throughout the post-9/11 era. The revelations of torture at Guantanamo Bay were horrific but should have been shocking to

⁹³ Rygiel, 226

no one as this was only the last step of a long process of dehumanization that has led to the outsider becoming reduced to bare life. The previous chapter demonstrated how historical discourses develop into ideologies about racial Others that influence public opinion in times of moral panic. This image of the Muslim terrorist was swiftly inserted into the discourse of terrorism in order to produce the enemy who quickly evolved into a 'folk devil.' This folk devil was easily embedded into the shifting discourse surrounding citizenship as he became perceived as the negation of the national subject/citizen, thus permitting the treatment of his citizenship rights as if they were grants rather than obligations. Security concerns and racially marked forms of classification for governing individuals whose appearance has already marked them as suspicious have overdetermined the legal ambiguities and complexities of this era. While Canadians have not directly participated in the torture of national individuals, the goals and tactics of the evolving security and citizenship regime has contributed to a long process of dehumanization. Arendt distinguishes the secrecy and invisibility of the 'camp society' with the process and methods by which men are prepared for this end as being transparent. She blames the silent consent to conditions such as the individuation and internationalization of citizenship rights that produce events, which in a period of political disintegration suddenly and unexpectedly have made thousands "homeless, stateless, outlawed and unwanted."⁹⁴

This process and its results demonstrate some of the fundamental contradictions of the nation and its adherence to the liberal form of citizenship that is espoused. While liberal citizenship conveys traits that are inclusive and cumulative we see how security policies have developed that construct and marginalize groups as threatening or

⁹⁴ Arendt, 447

undesirable. Race-thinking is a denial of the principles of equality and solidarity of people guaranteed by mankind that nations are built upon.⁹⁵ This has been justified through essentialist thinking that has conflated Arabs and Muslims into the image of the terrorist. By projecting every negative aspect about this image the nation serves to create the folk-devil as a threat to our civilization and very way of life, thus rationalizing and diminishing the weight of its own performances of exclusion, structural/colonial violence and dehumanization. This has resulted in a destabilization of rights for those who do not embody the ideal citizen. One of the most troubling aspects of unraveling this process of ideology is the affirmation of Arendt's contention that there is no political basis for the protection of humanity. She articulates that humanity, when "purged of all sentimentality, has the very serious consequence that in one form or another men must assume responsibility for all crimes committed by men, and that eventually all nations will be forced to answer for the evil committed by all others."⁹⁶ Arendt explains that this is in fact the predicament of common responsibility and that racism is just one of the destructive ways that nations respond to it. The problem lies in the realization that without solidarity amongst humanity there can be no basis of legitimacy upon which to build a system of rights as security derives from the relationships that we create with others.

⁹⁵ *ibid.*161

⁹⁶ *ibid.*236

Chapter Three: A Discourse Analysis Surrounding Omar Khadr

Chronology

Early Years

Omar Khadr was born in Toronto on September 19, 1986. His parents, Ahmed Said Khadr and Maha Elsamnah were both born in Egypt and moved to Canada in the 1970s. They became Canadian citizens, met and wed in Canada. They have six other children: Zaynab (b. 1979), Abdullah (b. 1981), Abdurahman (1983), Ibrahim (1985-88), Abdul-Karim (b. 1989), and Maryam (b. 1991).

Omar and various members of his family split their time living in Toronto, Ottawa, Pakistan and Afghanistan. Omar's father ran a charity called Human Concern International (HCI) that funded orphanages in Afghanistan and Pakistan. In 1995, Ahmed Khadr was arrested in relation to a bombing of the Egyptian embassy in Pakistan that killed 17 people, which he was suspected to have helped finance. Ahmed Khadr staged a hunger strike and his wife requested the Prime Minister's intervention. While on a state visit, Chretien requested from then Pakistani Prime Minister Benazir Bhutto that Khadr be assured due process; he was subsequently released due to a lack of evidence.

Following this Khadr left HCI and started his own NGO, Health and Education Projects International (HEP). HCI, which had been receiving support from the Canadian International Development Agency (CIDA), was stripped of its funding following Khadr's arrest. The Canadian Security Intelligence Service (CSIS) had suspicions that he was using both of these organizations to collect money to finance terrorism.

Omar was last in Canada from February to July 2001, when he and his mother were visiting her parents in Scarborough. Upon leaving Canada, Omar and Maha traveled to Pakistan to be reunited with Ahmed and the rest of the Khadr family.

Attacks on the World Trade Centre and the Aftermath of 9/11

The assaults on New York City and the Pentagon on September 11, 2001 caused the death of 3,000 civilians, making it the deadliest terrorist attack on U.S. soil in history (prior to this the most severe attack was the Oklahoma City bombing of 1995, which killed 170 people). The events of this day brought immediate global attention and denunciation, followed by swift calls for retribution by the United States.

Firefight & Arrest

Following the attacks of 9/11 the Khadr family reportedly fled to the hills of Eastern Afghanistan. During this period Omar's father left him with a group of men, for whom he was told to act as a translator. On July 27, 2002 a firefight occurred at the house where Omar was staying near Khost, Afghanistan which is close to the Afghan-Pakistan border. Six Afghans and one US soldier were killed. Omar was taken captive by the Americans, as he was alleged to have thrown a grenade that killed Sgt. Christopher Speer.

In Omar's Affidavit he describes his injuries as having been shot at least twice in the back, once in the left shoulder exiting from his left breast, and once underneath the right shoulder, exiting through his upper right side. He was also struck with shrapnel in his left eye, as well as sustaining injuries in his left thigh, knee, ankle and foot.⁹⁷

⁹⁷ "Affidavit of Omar Khadr," Omar Ahmed Khadr v. The Prime Minister of Canada et al (July 30, 2008).

Detention at Bagram & Transfer to Guantanamo

Following the firefight Omar was taken to Bagram Prison in Afghanistan where he was held in the hospital for two weeks before being transferred to the adult detention centre. He was interrogated while he was being held in the military hospital. During these interrogations no medical staff was present and he would be shackled by his hands and feet to the stretcher, despite being unable to stand due to his injuries.⁹⁸

After the first two weeks he was taken via stretcher to an interrogation room where he was interrogated for three hours. Omar describes telling the officers what he thought they wanted to hear at this time in order to stop the pain being inflicted upon him due to the interrogator's exacerbation of his injuries. Throughout these interrogations at Bagram Omar describes a variety of types of mistreatment including intimidation by dogs, verbal abuse, rough physical treatment and forced labour for the purposes of exacerbating his injuries, being left in stress positions for hours on end, as well as threats of rape. Omar estimates that he was interrogated approximately 42 times over 90 days.⁹⁹

On August 19, 2002 CSIS was informed by the Department of Foreign Affairs and International Trade (DFAIT) that an individual claiming to be Canadian had been arrested by US forces for throwing a grenade that killed an American soldier. During Omar's detention at Bagram, DFAIT tried unsuccessfully to gain access to him through regular diplomatic channels.¹⁰⁰

On October 22, 2002 CSIS was informed by DFAIT that it had been informally told of Khadr's imminent transfer to Guantanamo Bay, Cuba and that a visit would be planned by the Canadian Embassy in Washington once the transfer was complete.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Security Intelligence Review Committee, *CSIS's Role in the Matter of Omar Khadr* (July 8, 2009).5

According to CSIS, at this time there was still a mistaken impression that the U.S. would grant Canada consular access to Omar upon completion of the transfer.¹⁰¹

Early Years at Gitmo: Legal Oblivion

Upon his arrival at Guantanamo Bay, Omar was taken to the Fleet Hospital where he remained for two days. During his stay in the hospital he was interrogated for six hours each day. After these first interrogations he was placed in segregation and interrogated routinely, often being moved depending on his level of cooperation with interrogators.¹⁰² As Omar had turned sixteen during his detention at Bagram the U.S. did not apply any consideration to his age. Rather than being taken to Camp Iguana, where other minor detainees were held, Omar was kept at Camp Delta with the other adult detainees.¹⁰³

At this time DFAIT was informed that Canada could request the opportunity to visit its detainees for “intelligence gathering or law enforcement purposes.”¹⁰⁴ It was decided that a DFAIT representative would accompany the CSIS delegation as an “intelligence representative,” since the US authorities were clear that no consular access would be granted. CSIS made clear to other government departments involved that it would not take on other roles during its visit (i.e. consular) and that its focus would be on its intelligence gathering mandate. This was supported by the Canadian government.¹⁰⁵ The attempts of CSIS to visit Omar were merged with efforts to access other Guantanamo detainees with ties to Canada or Canadian investigations. CSIS’s main objective for

¹⁰¹ *ibid.*5

¹⁰² *Affidavit of Omar Khadr* 5

¹⁰³ Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development, *Evidence of Lieutenant-Commander Williams Kuebler* (2008).

¹⁰⁴ Security Intelligence Review Committee, 8

¹⁰⁵ *ibid.*

visiting Omar was to obtain information about what was happening “on the ground” in Afghanistan and information relating to his father, Ahmed Khadr.¹⁰⁶

Omar was visited by a Canadian delegation of three CSIS agents and a representative of DFAIT from February 13-16, 2003.¹⁰⁷ As per the pre-arranged agreement, no consular services were provided to Omar during this time. While caveats were attached to the written disclosures provided to the U.S., CSIS admits that these were inconsequential as all of the interrogations were video-recorded and kept as U.S. property.¹⁰⁸

On March 30, 2004 a DFAIT official, Jim Gould, visited Omar at Guantanamo Bay for the purposes of interviewing him. This interview lasted approximately two hours as Omar refused to cooperate or divulge any meaningful information. For three weeks prior to this interview, Khadr was subjected to the “frequent flyer program,” which meant that he would be moved to a new cell every three hours. This was done to prevent him from having uninterrupted sleep and continually changing neighbours, which was intended to make him “more amenable and willing to talk.” He would be placed in isolation for another three weeks after this interview.¹⁰⁹

Access to Legal Representation & Repatriation Efforts

It was not until November 2004, 27 months after he was initially detained, that lawyers gained access to Omar Khadr at Guantanamo. In May 2005 all of Omar’s

¹⁰⁶ *ibid.*9

¹⁰⁷ Department of Foreign Affairs and International Trade, Memo: Meeting with Omar Khadr, 2004).

¹⁰⁸ Security Intelligence Review Committee, 12

¹⁰⁹ Department of Foreign Affairs and International Trade,

possessions, including a calendar which he had been keeping regarding his treatment and events, were taken away from him and not returned.¹¹⁰

On August 10, 2005 a Federal Court judge ruled that the *Charter of Rights and Freedoms* does extend to Omar Khadr, being held by Americans in Cuba, and that CSIS must stop interrogating him.¹¹¹

Due to ongoing constitutional challenges to the Military Commissions in the American courts, Omar's first set of charges handed down in 2005 were deemed void. The passage of the *Military Commissions Act* in 2006 allowed for Omar to be charged *ex post facto* on April 24, 2007. The charges laid against him included murder, attempted murder, conspiracy, spying and providing material support to the enemy.¹¹²

On May 23, 2008 the Supreme Court of Canada unanimously ruled that Ottawa must hand over documents and transcripts of his interrogations to Omar's lawyers. Disclosure of the documents were provided on July 10. At this point, Prime Minister Harper reiterated the Conservative government's position that it would leave Omar in U.S. hands and not seek his repatriation. On July 15, 2008, Omar's Canadian lawyers released selected footage of the CSIS interviews to the public.

On January 20, 2009 all military trials at Guantanamo Bay were suspended on order of President Barack Obama in order to review the legal system put in place at Guantanamo Bay.

On April 23, 2009 the Federal Court ruled in favour of Omar's *Charter* challenge of the Canadian government's position not to request his repatriation from Guantanamo

¹¹⁰ Affidavit of Omar Khadr

¹¹¹ Khadr v. Canada, 2005).

¹¹² Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development,

Bay. The following day, Foreign Affairs Minister Lawrence Cannon advised the House of Commons that the Conservatives would likely appeal the decision. On August 14, 2009 the Federal Court of Appeal upheld a ruling that ordered the Canadian government to press for Omar Khadr's return.¹¹³ On January 29, 2010 the Supreme Court of Canada overturned the lower-court orders that the Canadian government must try to return Khadr to Canada, despite acknowledging that Canada violated his *Charter* rights by participating in illegal interrogation methods.

In August 2010 the pre-trial proceedings of Omar's Military Commission were underway. The judge in that proceeding has declared that there is insufficient evidence that Khadr was tortured and as a result all of the statements made to American officials will be submitted at trial, which is scheduled to proceed in the fall.

Periods of Analysis

The first moment of analysis is immediately following the terrorist attacks, spanning the month of September 2001. While this period precedes any involvement of Omar Khadr it is necessary to examine for the purposes of understanding the immediate political, legal and emotional reactions of the Canadian public. It is in the period directly following these attacks that the perpetrators were identified and the threat of terrorism was digested and conveyed to the public by the leading global political figures. The image of the fanatical Muslim is projected as the personification of terrorism. This incites a civilizational discourse that implicitly conveys the Muslim religion and Middle Eastern culture generally as being in opposition to Western values. The issue of 'security' in its many forms becomes a primary concern to the public, spurring various political and legislative initiatives in order to ensure Canada's image as being tough on

¹¹³ Canada (Prime Minister) et al v. Khadr, 2009).

terrorism. The focus of this analysis will be on the influence of Orientalism on the framework of meanings that is established during this period and how they affect the overall understanding of terrorism.

The second period of examination ranges from the time news broke that Omar was alleged to have killed an American soldier in a fire fight to his transfer to Guantanamo Bay (September – November 2002). This period is significant as it is the first introduction of Omar as a figure of interest in the War on Terror. It is during this period that initial evaluations about who he is and what he did are made based on the information provided. This period will examine how assumptions and evaluations that were made in the wake of 9/11 have persisted and the influence they have on the public perception of Omar. Evaluations of Omar's legal rights as well as the actions of the Canadian and American governments will be examined here in detail, evincing the destruction of the juridical person as discussed by Arendt.

The third and final period of examination will cover the month of July 2008 in order to canvas the reaction of government leaders and the public to the disclosure of evidence. This period is significant for several reasons. First, it is important to investigate if and to what extent the public has altered its perception of Omar Khadr based on the information that has been uncovered about his particular circumstances, the War on Terror (i.e. its successes and failures), as well as the validity of the Military Commissions and the altered judicial system in place at Guantanamo Bay. Second, the release of the CSIS interviews spark debates about what constitutes torture and examines the role Canada has played in these actions. It is also at this point when the discussion of

repatriation becomes more prominent and this dialogue is important in order to evaluate the public's perception of the strength of Khadr's citizenship as a Canadian.

This period is of further significance as the information revealed at this time relates back to events that occurred between 2002 and 2004. A comparison of the information released in the second moment of analysis with what has been exposed by the third time period highlights the strategic areas of silence that were imposed earlier. The lack of impact that these revelations have for much of the public emphasizes the efficacy of these imposed silences and the difficulty in attempting to retroactively impose standards of rights on an unjust system.

Methodology & the Ideological Production of the News

Each seminal moment outlined above has been analyzed in relation to four major Canadian newspapers: two national publications, the *Globe and Mail* and the *National Post*, as well as two major city publications, the *Toronto Star* and the *Ottawa Citizen*. The *Globe and Mail* is the largest circulating national paper in Canada with an estimated daily readership of 300,000 – 400,000. Established in 1844, the *Globe* is unofficially “Canada's National Newspaper”. The *National Post* by comparison was established in 1988 but still boasts a broad audience circulating approximately 200,000 copies daily. Since 1998 the *National Post* has been singled out by the Canadian Islamic Congress as being anti-Islamic. The *Toronto Star* was established in 1892 and is the largest circulated daily paper in the country. It circulates approximately 300,000 to 400,000 copies on a daily basis. The *Ottawa Citizen* was established in the 1850s but caters to a smaller audience, with an estimated circulation of 125,000 daily. The *Globe* and the *Star* are considered to have liberal allegiances whereas the *Post* is considered to be aligned with

conservative causes and the *Citizen* is deemed to be centrist. For each of the above noted time periods a selection of themes is discussed, referencing selected articles that are representative of the broader sample undertaken.

The purpose of this study is to analyze the underlying ideological assumptions that have characterized the discourse surrounding terrorism in order to understand the material effects specifically relating to Omar Khadr that have resulted from it. Rather than undertaking a technical analysis of discourse by which particular words and units are counted to display numerical patterns of representations, this study takes an approach that seeks to identify broader ideological trends within discursive contexts. The process undertaken here is an investigation of the frameworks of meaning that were applied during the subject time periods and a qualitative analysis of their meanings.

The remainder of this chapter will discuss the findings of the content analysis focused on the media attention surrounding Omar Khadr's detention and pursuant struggles to gain recognition and claim rights afforded to him by way of his Canadian citizenship.

Findings of the Content Analysis

September 2001: The Immediate Aftermath of 9/11

The terrorist attacks that occurred on September 11, 2001 caused people to bear witness to violence that had, until that point, been unprecedented in scale and nature in North America. Events as uncommon as these create panic and require explanations; these explanations tend to emerge from piecemeal representations of social images based on common perceptions of society, the sources of moral anxiety and their scattered

meanings that frame our everyday experiences in order to construct social accounts that carry credibility.

The media plays a fundamental role in producing explanations and imparting valuations on 'newsworthy' events and the people associated with them. These valuations are conveyed by the 'primary definers' who set the terms of reference for the subsequent conversation about a topic or event and within which all subsequent opinions must either fit or to which they must respond.¹¹⁴ This reflects Marx's formulation of ideology, specifically that 'ruling ideas' remain dominant not only through control of material production but also through mental reproduction. Primary definers therefore construct a particular version of social reality that suits the needs of the intended audience and represents their interests as universal. This control of the dominant ideas is effectuated not only by giving powerful figures the role of 'primary definers' (and thus enabling them to frame the way in which a topic is discussed publicly) but also by maintaining strategic areas of silence.¹¹⁵ Even to the extent that we are exposed to varying opinions, often they do not convey real dissent or opposition but rather represent an acceptable range of voices within particular ideological limits.

In the subsequent analysis we will observe how various American officials from the government, military, law enforcement and intelligence community established the ideological framework in which terrorism as a phenomenon was to be understood. This framework was heavily influenced by Orientalist discourse that produced the image of the terrorist (as folk-devil). This image was the signifier that enabled the mobilization of

¹¹⁴ Hall, 58

¹¹⁵ *ibid.* 64-65

legislative, political and military initiatives that would constitute the development of an international security regime embodied through the “War on Terror.”

One of the first public statements made by President Bush in the aftermath of 9/11 was that America had been the victim of “acts of war” that provoked a “monumental struggle of good versus evil.”¹¹⁶ In a lengthy article for the *National Post*, Barbara Amiel echoes the statements of many that the attacks signified a war against Western civilization. Terrorists hated and envied everything about western society – its institutions, values and the fundamental principles of freedom and equality that underpinned them and were therefore bent on their destruction.¹¹⁷ The explanation was simple and appealed to the common sense of the inhabitants of all western nations, who identified with the victimization felt by Americans.¹¹⁸

The civilizational discourse quickly embedded itself in the professional and public discourse surrounding the events of that day. This implicitly justified military retaliation as a foregone conclusion even before a definite target had been established. While Osama bin Laden was quickly deemed the architect and financier of these attacks, numerous reports indicated that his network consisted of thousands of individuals spanning dozens of states making the threat towards all of Western civilization all the more prominent.¹¹⁹ The appeal to military retaliation was mobilized by the threat of the

¹¹⁶ Allan Thompson, "Manhunt leads to Canada ; Dozens involved in attacks crossed the border to U.S. Some hijackers were trained as pilots in U.S." *Toronto Star* Sep 13 2001, : A.01, .

¹¹⁷ Barbara Amiel, "Destroy myths first, then terrorist states: War on the West didn't start last week. If we don't take proper action against those who hate us, it is at our own peril," *National Post* Sep 17 2001, : B.4; See also: Stewart Bell, "The legions that hate America: Jihad has many faces," *National Post* Sep 12 2001, : D.1.FRO, ., Mark Steyn, "West's moral failure at root of tragedy: Our holiday from history's undertow has come to an end," *National Post* Sep 12 2001, : A.1.FRO, .

¹¹⁸ Jean-Marie Colombani, "We Are All Americans," *Le Monde* Sep 12 2001, .; See also: Anonymous, "New Yorkers, all," *Toronto Star* Sep 13 2001, : A.28, ., Gordon Smith, "At day's end, Canada must be there for the Americans," *The Globe and Mail* Sep 13 2001, : A.17, .

¹¹⁹ John Stackhouse, "Terrorist cells span 34 countries," *The Globe and Mail* Sep 17 2001, : A.6, .

terrorist figure who was established through the proliferation of Orientalist images that conveyed who this enemy was, where they came from and the tactics that they could – and surely would – use.

In both Canada and the United States, government officials were adamant that all Muslims were not to be demonized for the actions of a few. In his speech to congress, President Bush went to great lengths to distinguish the “good and peaceful” teachings of Islam from those who “commit crimes in the name of Allah.” The enemies of America, he stated, “are not our many Muslim friends or Arab friends, but terrorists and every government that supports them.”¹²⁰ These sentiments echo Mamdani’s discussion of classifying “good” and “bad” Muslims. The following construction of the terrorist reflects her contention that, despite protests to the contrary, anyone identified as being Muslim or Arabic are presumed to be “bad” Muslims unless proven otherwise.

In “Destroy Myths First, Then Terrorist States”, Amiel conveys some of the most common characterizations of the terrorist. The enemy is any member of an “extremist Islamic group that operates in the mentality of the seventh or eighth century.”¹²¹ This backwards thinking is attributed to a historically-reinforced perception of the Arab world having an inferiority complex in relation to the West. Said contends that reference to this inferiority complex is often accompanied by the seemingly contradictory belief that these same places are more equipped in size and capability to impose destructive power.¹²²

This threat is portrayed as unique in that one particular state may not be solely to blame; instead any government that harbours or supports terrorism should be targeted.

¹²⁰ Christie Blatchford, “Canada does not rate a mention,” *National Post* Sep 21 2001, A.8.

¹²¹ Amiel, B.4; See also: Blatchford, A.8, Norman Doidge, “Why they did it,” *National Post* Sep 15 2001, : A.17, Mitch Potter, “Suicide attack is terrorist’s nuclear bomb ; Human death machines date back to the 11th century,” *Toronto Star* Sep 14 2001, A.13.

¹²² Said.

Amiel names the most commonly referenced suspects – Afghanistan, Iraq, Iran, Libya, Sudan, North Korea and Syria. This article ends with a list comprised of Middle Eastern and Asian states accompanied by a single-sentence evaluation for each indicating its ability and perceived willingness to aid the west in combating terrorism. By including this vast list of ‘high risk’ states, Amiel is also able to evoke the images of more familiar individuals suspected of either participating in or implicitly supporting terrorism such as Muammar al-Gaddafi, Yasser Arafat and Saddam Hussein.¹²³

These references seek to impress upon the reader that any of the states comprising the Middle East may pose a threat, reinforcing Said’s articulation of imaginative geographies that reduces the nature of ‘who people are’ to surface descriptions of the places they are from. This is illustrated in an article published in the *Toronto Star*, where a former major in the Soviet army is interviewed about his experiences in the disastrous war between the Soviet Union and the mujahedin fighters. The author describes how this conflict resulted in the country being “devastated and its already warlike people learned ruthless guerilla tactics and acquired modern weapons.”¹²⁴ The Soviet major laments the impossibility of comprehending the Afghan people due to their unstructured society. Descriptions of the intense weather and terrain emphasize the unpredictable nature of the environment. The lack of infrastructure is also attributed to the chaotic characterization of the state and its people. This is reflected in the description of the mujahedin fighters themselves who were perceived as ‘shadows’, likening their method of combat in this conflict to the terrorist attacks against the United States.

¹²³ Amiel, B.4

¹²⁴ Fred Weir, "Afghanistan much too tough to conquer, ex-Soviets say ; 'Shadows and evil spirits' foil best military machines," *Toronto Star* Sep 18 2001, A.18.

The final element of constituting the terrorist folk-devil is through the description of his tactics. The tactics of the terrorist are what solidifies the dehumanization of this figure in the imagination of those who perceive themselves to be its potential victims. The violence committed by terrorists is random but deadly and could victimize anyone at any time. This fear is instilled through a proliferation of potential targets and methods in all of the publications examined. Potential targets range from sports stadiums, government buildings, tourist attractions, various transportation routes, office buildings and other integral infrastructure. Their methods include chemical, biological and nuclear warfare.¹²⁵ This threat proliferation reflects a process that Hall dubs 'signification spirals.' In this process a threat is identified as well as a subversive minority that personifies that threat and from there a series of linkages are made between incidents and their labels that demonstrate the threat's inevitable escalation unless swift action is taken.¹²⁶ Margaret Wente, an editorialist with the *Globe and Mail*, illustrates the proliferation of consequences that will inevitably follow if terrorism is not addressed sufficiently. Canada would be leaving itself vulnerable to the tightening (and possible closure) of the American border thus stalling trade and commerce, collapse of the airline industry, economic collapse, the destruction of our values and way of life, as well as the threat of terrorist attacks on Canadian soil.¹²⁷

¹²⁵ Diane Francis, "The motive behind bin Laden's moves: Terrorist seeks West's destruction by controlling oil," *National Post* Oct 2 2001, : FP.3, ., Diane Francis, "Canada must be on a war footing," *National Post* Sep 25 2001, : B.3, ., Margaret Wente, "Why we can't sit on the fence: guns, germs and fear," *The Globe and Mail* Oct 11 2001, : A.21, .

¹²⁶ Hall, 223.

¹²⁷ Margaret Wente, "Business as usual: What, him worry?" *The Globe and Mail* Sep 27 2001, : A.15, .; See also: Francis, B.3, Jeffrey Simpson, "Still the world's longest undefended border?" *The Globe and Mail* Sep 12 2001, : A.19, ., Andrew Duffy, "New 'superterrorism' may produce huge casualties," *The Ottawa Citizen* Sep 14 2001, : C.3.

The preceding images and explanations became quickly embedded into the common sense beliefs of society, thus entrenching the discourse of terrorism in an ideology that subordinates anyone identified as Muslim or Arabic. This reflects the prevalence of the civilizational discourse that attributes the terrorist's motives to irrational hatred and envy rather than investigating the long history of western interference in the Middle East generally and Afghanistan more specifically.

Further advancing the image of the terrorist folk-devil is the lack of counter-definitions that arise in the mainstream discussions of Islam. Muslim clerics and imams are rarely featured in the discourse surrounding terrorism demonstrated in these publications. They appear as token spokespeople brought in to parrot the official government pronouncements that the terrorists were committing a perversion of the Islamic belief. Their appearance was most frequently utilized in articles responding to claims of racial backlash.¹²⁸ Nowhere in the samples reviewed is there any discussion of the tenets and factions of the Muslim belief, nor is there a comprehensive distinction between religious beliefs and political claims that are disguised as such.

This demonstrates how mental production is controlled through non-coercive mechanisms as the dominant ideas take on the appearance of the only rational and universally valid ones. We can now see that due to its pervasive and hegemonic quality, common sense is the one structure of ideas (presumably) shared by everyone. This mode of thinking furthermore distinguishes itself from discourse as the solidification of ideology as the universal understanding of the 'way things are.'

¹²⁸ Campbell Clark and Jane Gadd, "Fear grows of reprisal on streets of Canada," The Globe and Mail Sep 13 2001, : A.4, . (demara) Kelly Egan, "Muslims endure ugly backlash: In the wake of Tuesday's terrorist attacks, a rage has begun to spread." The Ottawa Citizen Sep 14 2001, : B.12, ., Potter, A.13

Having examined the process by which the terrorist is produced as an ideological construct, the reflexive evaluations of the self (i.e. the Canadian citizen) that are inherent in these processes will be discussed here. In the days following 9/11 the erroneous assertion was made that several of the hijackers responsible for the attacks had gained entry to the United States through Canada. Numerous articles parroted these unsubstantiated claims despite ongoing rejections of their validity from the prime minister.¹²⁹ The weakly contested belief in these claims demonstrates the advantage of being the primary definer of an event and the ability it denotes to enforce parameters of discussion. Canada was dubbed by commentators – both foreign and domestic – as a ‘haven’, ‘springboard’, and ‘rest and relaxation stopping point’ for terrorists due to a variety of perceived weaknesses in legal and security practices.¹³⁰

Canadians were horrified by the violence inflicted on America that day and were outraged at being identified as constituting part of the terrorist threat, not in the least due to the Canadian lives that were lost and the identification that many felt with the victims of these attacks generally.¹³¹ As a result of this the phenomenon of terrorism was converged with a series of other issues that demonstrated Canada’s vulnerability to a terrorist threat.

Convergence is when several activities become linked through signification to either implicitly or explicitly draw parallels between them. This explains how new

¹²⁹ David Pugliese and Juliet O'Neill, "Canada 'part of the problem,' report finds: U.S. won't tolerate lax immigration rules and security procedures," The Ottawa Citizen Sep 13 2001, : B.5, ., Thompson, A.01, Nicolaas van Rijn, "Hijackers set down roots, blended in, then attacked On the surface, hijackers lived the American dream," Toronto Star Sep 15 2001, : A.01, ., Tom Arnold, "U.S. to call for tighter security at borders: Refugee policy under fire: No indication terrorists entered from Canada: PM," National Post Sep 13 2001, : A.16, .Stewart Bell, "Infiltrating Canada," National Post Sep 17 2001, : A.8, .

¹³⁰ *ibid.*, Pugliese and O'Neill, B.5, Thompson, A.01, van Rijn, A.01

¹³¹ Anonymous, "Let's rally 'round our American friends," The Globe and Mail Sep 13 2001, : A.18, ., Anonymous, A.28

problems can be meaningfully described by placing them within the context of old problems with which the public is already familiar. Another way this occurs is by listing a set of social problems and explaining them as indicative of a deeper, underlying problem.

This emerging threat of terrorism was explained by the media and many elected Members of Parliament through the convergence of deficiencies in various legal, social and political institutions of the state apparatus. Lax immigration policies, weak legal enforcement in the courts, inadequate military funding and an excessive adherence to political correctness came to encapsulate our vulnerability to the threat. The net effect of this convergence has been the amplification of the potential threat of terrorists or other 'undesirables' from "Infiltrating Canada."¹³² Inflections in these descriptions are ideological exactly because they signify a complex phenomenon in terms of its problematic aspects only.¹³³

One of the most frequently employed examples of the limitations of the immigration system in regards to security is the case of Ahmed Ressam. An Algerian posing as a refugee, Ressam was discovered with explosives in his trunk at the border of British Columbia with plans to blow up the LAX airport in 1999.¹³⁴ The example of Ressam illustrates how a pre-existing event has taken on greater significance that it was originally afforded. The mobilization of this occurrence demonstrates how past events can be repackaged and utilized to fulfill current political objectives.

¹³² Bell.

¹³³ Hall, 223-224

¹³⁴ Diane Francis, "Canada must root out fake refugees," National Post Sep 18 2001, : B.3, .. Bell, A.8, Pugliese and O'Neill, B.5, Francis, B.3

In her column in the *National Post*, Diane Francis advocates reform by portraying immigration schemes as a “large and growing cancer within Canadian culture,” with particular focus on the “beachhead” of illegal refugees in Montreal.¹³⁵ We see language here that is utilized to create images of being consumed or attacked – threatened in some way by the outside force of terrorists who have ‘infiltrated’ Canada for the purposes of destroying our way of life. This language and a handful of similarly expository stories are frequently utilized to produce unfettered immigration as the ‘shadow’ of the threat, which has only become identifiable by virtue of the threat itself. Once it is portrayed in this context, the nature of the submerged threat is made immediately obvious and this makes sense of a multitude of formerly unrelated, yet nonetheless individually troubling phenomena that are recruited within this broader meta-narrative.¹³⁶

This discourse takes on the characterization of a competition of authoritarian populism, where spokespeople claim to represent the interests of the “silenced majority.”¹³⁷ In this case the ‘small-l liberal’ concerns of moral relativism and political correctness are to blame for allowing terrorism to grow both at home and abroad.¹³⁸ These criticisms were compounded and given further credence following the speech given by President Bush to the United States Congress, wherein Canada was omitted from a list of allies.

The Chretien government, already criticized by opposition for not responding with sufficient emotion and resolve in the wake of 9/11 was increasingly attacked for what was seen as his “clueless” government’s weak response to this threat. Stockwell

¹³⁵ Ibid.; See also: Arnold, A.16, Pugliese and O'Neill, B.5, van Rijn, A.01

¹³⁶ Hall, , Hay, 197-223

¹³⁷ Hall, , Hay, 197-223

¹³⁸ Steyn, A.1.FRO, Margaret Wentz, "Tiptoeing through Islam," *The Globe and Mail* Oct 2 2001, : A.17.

Day, the leader of the Alliance Party, advocated the goals of the populist discourse such as tighter immigration policies, increased powers for law enforcement, new legislation to punish crimes related to terrorism, the harmonization of border policies with the United States and military mobilization.¹³⁹

These sentiments were fostered by the notoriously Manichean discourse used by George Bush wherein states were given the ultimatum of being with “us” or “with the terrorists” in a conflict with an ambiguous enemy that would admittedly be a long and concentrated military effort. Any one that attempted to wander outside of the limitations of the ideological framework, whether to question the legitimacy of international conflict or the necessity of sweeping new anti-terrorism legislation, was deemed anti-American or part of the problem that makes Canada the “soft underbelly” of North American security.¹⁴⁰

The lack of nuance permitted in this dialogue allows us to see the ease with which racially influenced ideology affected the debates presented through a series of either/or decisions compounded by the overlapping fears of both becoming a target of terrorism and being suspected as being a ‘haven’ for terrorists. This led to a reflexive moral panic that produced an overarching production of consent which gave ideological permission for the centralization of government powers in fulfilling the goals of the newly established international security regime.

¹³⁹ Jack Aubry, "Not nearly enough: Opposition slams anti-terrorism moves," The Ottawa Citizen Sep 18 2001, : A.3; See also: Hugh Winsor, "Why we need a foreign spy service," The Globe and Mail Oct 5 2001, A.15, ., Diane Francis, "Ottawa must act to mend porous border to U.S.: Amalgamation of CSIS and RCMP first corrective step," National Post Sep 27 2001, : FP.3, ., Steven Edwards, "UN report shows Canada's arms gap: We're behind the Belgians," National Post Sep 26 2001, : A.1.FRO, ., Juliet O'Neill, "Canada would play 'major role' in war: Chretien confirms 'participation' in any attack on Afghanistan," The Ottawa Citizen Sep 18 2001, A.1.FRO.

¹⁴⁰ Pugliese and O'Neill, B.5, Wente, A.21

2. August – November 2002: Firefight, Detention at Bagram and Transfer to Guantanamo

On July 27, 2002 a firefight broke out between US Special Forces and a group of Afghan men believed to be members of al-Qaeda. After 4 ½ hours, four of the alleged al-Qaeda members were dead, as were the two Afghan allied fighters; five American soldiers had been wounded, one fatally. Omar Khadr was the only person left alive in the compound and he was taken captive by the Americans for causing the death of Sgt. Christopher Speer. An analysis of the subsequent media coverage of Omar Khadr will examine how the ideological frameworks established in the previous period of analysis were carried on and Omar was ‘inserted’ into it. This negated any opportunity for Omar to constitute himself as a social subject or effectively explain his actions, thus contributing to the eradication of his legal, political and human rights.

As in the previous moment of analysis, the primary definers of this event and the subsequent treatment of Omar Khadr were American government, intelligence and military officials. This is primarily demonstrated in the initial account of the firefight in which Omar is alleged to have launched the grenade that killed Sgt. Speer. Of all the publications examined, the *National Post* gave the most detailed accounts of this attack as it was relayed by the American government. In a lengthy article by Stewart Bell and Michael Friscolanti titled, “The Americans Are Coming. Get Ready to Kill Them,” they describe the firefight as an “ambush” despite that the U.S. forces approached and surrounded the compound before the members inside began shooting and launching grenades. Sgt. Layne Morris described the ensuing situation as “mayhem” with grenades and bullets being launched in both directions. Air support followed and bombs dropped on the compound for three hours until U.S. troops felt it was safe to enter. Sgt. Speer was

the first to enter, searching for bodies. Sgt. Morris contends that Omar Khadr appeared wielding a pistol and a hand grenade, which he launched at Sgt. Speer who would succumb to his injuries eleven days later.¹⁴¹

This is the official account given by the U.S. military and is the basis for the charges laid against Omar Khadr, as well as the first public depiction of him as an individual. This article depicts Omar in the typical Orientalist image of the terrorist, describing him as a shadowy figure “emerging from the rubble” to murder an unsuspecting American soldier. Alternatively, Sgt. Speer is lauded as an exemplary victim for his military heroism and devotion to his family. One of the most widely circulated half-truths emerging from this account is that Sgt. Speer was an acting medic, thus amplifying his victimization as medics are non-combatants. While he did have medic training, Sgt. Speer was in fact acting on that day as a member of Delta Force, one of the primary anti-terrorism units of the American Special Forces.¹⁴² Another frequently referenced illustration relates to an incident that occurred a few days prior to the July firefight where Sgt. Speer risked his life to retrieve two wounded Afghan children from a minefield.¹⁴³

Each of these descriptions seeks to portray these individuals’ actions in a way that equates who they are with what they do. The initial depictions of both these individuals seek to reinforce the audience’s common-sense perceptions about who each one is and what he represents. Khadr is the terrorist that could emerge at any time and will fight to

¹⁴¹ Stewart Bell and Michael Friscolanti, “‘Americans are coming. get ready to kill them’: Minutes after this photo is taken, U.S. troops are hit -- and a Canadian teen is implicated (Toronto edition headline.),” National Post Sep 21 2002, : A.1.FRO.

¹⁴² Michelle Shephard, “How U.S. grilled a prize captive; Documents, interviews raise troubling questions,” Toronto Star Jul 12 2008, : A.1, .

¹⁴³ Tu Thanh Ha, “Heroism of U.S. soldier made public at funeral service,” The Globe and Mail Sep 6 2002, A.13.

the death to inflict senseless violence upon his targets while Sgt. Speer is the embodiment of the nobility and humanity of his cause.

The presumption of Omar's guilt was compounded by the extensive information provided to the public regarding his father's alleged activities financing terrorism and his ties to Osama bin Laden. Since there was essentially no information pertaining to Omar in the wake of the firefight – due to his age and lack of involvement in terrorist activities to that point – lengthy articles were published about his father's suspected terrorist connections and the extremist views of his family wherein Omar appears as little more than a footnote.¹⁴⁴ Lacking any direct evidence, the *Ottawa Citizen* described Omar's upbringing as being influenced by "hate and fanaticism."¹⁴⁵ Omar's brother, Abdul Rahman, was also captured as an alleged terrorist in 2001, thus solidifying this perception of the Khadr's being a family of terrorists.

In these early accounts, Zaynab and Maha are frequently depicted in relation to their traditional Islamic dress ("donning the burqa," "wearing the traditional hijab"), another implicit feature of their extremist beliefs.¹⁴⁶ It is also noted that Zaynab was promised in marriage at the age of 16 to one of Ahmed Khadr's colleagues who disappeared in 1995 following the bombing of the Egyptian embassy in Islamabad.¹⁴⁷ Omar's mother is further criticized for following her husband to Afghanistan and taking her children to a "troubled region" where they joined terrorist factions.¹⁴⁸

¹⁴⁴ Stewart Bell, "Al-Qaeda's Canadian vanguard: Khadr father tops list of 75 suspected bin Laden operatives," *National Post* Sep 6 2002, : A.1.FRO, ., Randy Boswell, "The Khadr's: A family on the run," *The Ottawa Citizen* Sep 6 2002, : A.1.FRO, .

¹⁴⁵ Anonymous, "Canada's child soldier: U.S. should let our diplomats assess a teen held in Afghanistan," *The Ottawa Citizen* Sep 12 2002, : A.14, .

¹⁴⁶ Ibid., Boswell, A.1.FRO

¹⁴⁷ Anonymous, A.14

¹⁴⁸ Stewart Bell, "Controversy grows over teen terror suspect: Held after soldier killed: Harper worries Canada becoming platform for terror," *National Post* Sep 7 2002, : A.1.

Implicit in the majority of articles published immediately following the firefight is the agency of Omar's actions to that point – he is assumed to have volunteered to fight to fulfill the path set by his father and brother. This is in direct opposition to the complete lack of agency he is afforded in explaining how he arrived at the compound or his motivations for being there, thus imposing a characterization of Omar without requiring any acknowledgement from him. He was effectively silenced before anyone in the Western world was even aware he existed.

Another element of the characterization of Omar and the Khadr family that evoked distrust and suspicion are the constant references to their foreignness despite their formal Canadian citizenship. Omar's Canadian citizenship is consistently qualified in relation to his Egyptian-born parents, or the fact that the family frequently moved back and forth between Canada, Pakistan and Afghanistan.¹⁴⁹ The constant movement of his family implicitly indicates their criminality and if nothing else, their lack of true belonging though they frequently "presented themselves as Canadians."¹⁵⁰

The image of the Khadr family as a family in perpetual transit once again evokes criticisms of lax immigration policies and legal enforcement. The Khadr family were presented as being merely "Canadians of convenience," returning whenever they wanted to collect welfare, "take advantage" of the health care system, or to launder funds through their charity, HCI.¹⁵¹ News of Omar's arrest instigated a resurgence of sensitivity to the 'enemy within'. The *Globe and Mail* took particular hold of this theme, publishing several articles that focused on the presence of this threat. The family's collective

¹⁴⁹ *ibid.*, Boswell, A.1.FRO, Mark MacKinnon, "Trail of elusive Canadian goes cold in Afghanistan," *The Globe and Mail* Nov 4 2002, : A.1, .

¹⁵⁰ Bell and Friscolanti, A.1.FRO

¹⁵¹ Boswell, A.1.FRO, MacKinnon, A.1

activities in Canada – both confirmed and alleged – were presented as evidence of the role of some Canadians in spreading extreme Islamic beliefs.¹⁵² Stephen Harper, who had become the leader of the Alliance Party at this time, made public statements criticizing the Liberal government's anti-terrorism policies and claimed that Khadr's arrest was further proof that "Canada [had become] a platform for activities that are dangerous to the Western alliance." He also stated that he was "not concerned" about the fate of Omar or his brother.¹⁵³

In "Canadian Soil a Long-Time Staging Ground for al-Qaeda," Colin Freeze reports that CSIS officials state that "the picture of al-Qaeda's activities in Canada that has become public is only a fraction of what they are investigating" and that this can be attributed to the lax nature of the Canadian system.¹⁵⁴ Now it is not just immigration laws that are to blame for permitting terrorism to go unchecked in Canada but the 'Canadian system' altogether; this is yet another demonstration of authoritarian populism converging a series of threats to represent a vague overarching threat. Despite corrections to the erroneous claim that Canada was the gateway through which the 9/11 hijackers achieved access to the U.S., the myth of Canada as a 'haven' for terrorism is still evident and widely referenced here.¹⁵⁵ The combination of these factors led to an explicit and persistent rhetorical distancing between Omar Khadr and his connection to Canada. By highlighting the perceived differences between himself, his family and 'our'

¹⁵² Stewart Bell, "U.S. denies Ottawa access to Khadr teen: Canadian accused of throwing grenade that killed medic," National Post Sep 10 2002, : A.1.FRO, ., Colin Freeze, Estanislao Oziwicz, and Jeff Sallot, "CSIS watches Islamic extremists: for signs of Canadian terrorists," The Globe and Mail Sep 7 2002, : A.4, ., Tu Thanh Ha and Colin Freeze, "Canadian soil a long-time staging ground for al-Qaeda," The Globe and Mail Sep 7 2002, : A.4.

¹⁵³ Bell, A.1.

¹⁵⁴ Ha and Freeze, A.4

¹⁵⁵ Freeze, Oziwicz, and Sallot, A.4; See also: Bell, A.1.FRO, Ha and Freeze, A.4, Sheldon Alberts, "Ottawa seeks access to Canadian teenager: Suspected terrorist's son: Chretien intervened when boy's father was held in Pakistan," National Post Sep 6 2002, : A.4.

values this allows for Omar to be placed outside of the shared identity of being 'Canadian.' These ideological limitations to Khadr's normative authenticity as a Canadian citizen are reflected in the erosion of his legal and political rights during this period.

Khadr had been in American custody for nearly a month before Canadian officials were notified of his capture. Omar was first designated a "person under control"¹⁵⁶ and then an "unlawful enemy combatant,"¹⁵⁷ neither of which are terms recognized under international law. After initial attempts to gain consular access to Khadr failed, Canada informed the public that the United States had given reassurances that he was being "treated humanely."¹⁵⁸ These statements were repeated by news publications with counter-definers being limited to the objections made by human rights groups such as Amnesty International advocating for the fulfillment of his POW rights.¹⁵⁹

These objections were stifled by more dominant concerns that Canada would – again – be blamed for being 'weak' on terrorism. While the Americans denied blaming Canada for the actions of one citizen, U.S. Ambassador Paul Cellucci was quick to note that "the rules are not so clear" that Canada would be able to provide the assistance that would normally be available to Khadr in this situation.¹⁶⁰ These sentiments were echoed in a front-page article in the *National Post* that stated 'There Should be no Special Status for This Kid.'¹⁶¹ What was commonly being referred to as a 'special status' was merely recognition of international human rights codes that would force the Americans to take

¹⁵⁶ Colin Freeze and Christine Boyd, "U.S. holds Canadian teen as al-Qaeda assassin," *The Globe and Mail* Sep 6 2002, A.1.

¹⁵⁷ Bell, A.1.

¹⁵⁸ *ibid.*; See also: Freeze and Boyd, A.1, Alberts, A.4, Daniel Leblanc, "Canadian implicated in Afghan firefight," *The Globe and Mail* Sep 10 2002, : A.4, .

¹⁵⁹ Boswell, A.1.FRO

¹⁶⁰ Freeze, Oziewicz, and Sallot, A.4

¹⁶¹ Isabel Vincent, "'There should be no special status for this kid'," *National Post* Sep 6 2002, : A.1.FRO, .

Omar's age into consideration while he was in detention. This article – and many others – reacted harshly to the DFAIT pronouncement that juveniles should be considered victims of war. As Vincent points out, “we are not dealing with a wayward teenager arrested for smoking marijuana in Colombia.”¹⁶² This is meant to emphasize the extralegal response deemed necessary in order to respond to the unprecedented threat of terrorism.

Attempts by Chretien's Liberal government to obtain consular access to Khadr were met with harsh criticism by opposition politicians and the media through persistent reference to the 1995 imprisonment of Ahmed Khadr for his alleged participation in the bombing of the Egyptian embassy in Pakistan. On a state visit to Pakistan Prime Minister Chretien requested of then Prime Minister, Benazir Bhutto, to ensure that Khadr was afforded due process in investigating the matter. He was subsequently released due to a lack of evidence.¹⁶³ Despite protest from Prime Minister Chretien that, “When a Canadian has been arrested abroad, we always ask to serve the Canadian citizens according to the rules,” he received censure in the media. Numerous stories were printed describing Chretien's “extraordinary intervention” as a “national embarrassment” and yet further evidence of Chretien's weak stance on counter-terrorism that would surely heighten Canada's risk.¹⁶⁴

The Toronto Star was the only one of the publications examined that expressly spoke out against the legal violations against Khadr during this period.¹⁶⁵ This was a

¹⁶² *ibid.*

¹⁶³ Alberts, A.4

¹⁶⁴ *ibid.*, Stewart Bell, “Canadian teen transferred to Guantanamo: Captured in Afghanistan: Foreign Affairs not told of move by Washington,” *National Post* Oct 31 2002, : A.6, .

¹⁶⁵ Thomas Walkom, “Why no legal process for teen terror suspect?” *Toronto Star* Sep 24 2002, : A.29, ., James Travers, “U.S. fears impact on our rights,” *Toronto Star* Nov 12 2002, : A.29, .

particularly unpopular opinion as these anxieties were compounded by sensitivity to the upcoming first anniversary of 9/11, as well as the release in October of an audiotape supposedly recorded by bin Laden that named a number of target countries, including Canada.

“In Legal Limbo at Cuba’s Camp Delta,” Allan Thompson provides a detailed profile of Guantanamo Bay in the wake of the discovery that Omar has been transferred there.¹⁶⁶ Due to the restricted access, Thompson is limited to speaking with military police employed at the jail. One guard, an ex-police officer, likens the facility to a maximum-security environment but claims that it is not a “hellhole.” The guards demonstrate little concern for the effect of Khadr’s age. Despite assurances that he would be treated humanely, one U.S. diplomat concedes that, “This is someone who executed an American soldier. I don’t think someone like that gets much sympathy because of their age.”¹⁶⁷ The description of Omar’s alleged crime as an execution emphasizes the despicable nature of the violence he committed, making it easier for the public to dehumanize and isolate this individual.

This reflects one of the essential elements of the Camp, which is the irrelevance of guilt or innocence of its inhabitants. Once in Guantanamo every individual was involved in the process Arendt deemed the production of living corpses. The first step in this process, reflected in Khadr’s treatment here, is the destruction of the juridical person. The destruction of Khadr’s juridical person is evidenced through the many legal inconsistencies that characterize Guantanamo Bay; the manipulation of legal categories and classifications, denationalization, and the placement of the Camp outside of the

¹⁶⁶ Allan Thompson, “In legal limbo at Cuba’s Camp Delta ; Afghan detainees beyond court’s reach Holding of Toronto teen sparks outrage,” *Toronto Star* Nov 16 2002, : A.01, .

¹⁶⁷ *ibid.*

normal penal and juridical order wherein a definite crime entails a predictable penalty.¹⁶⁸

Khadr was deemed an enemy combatant who was effectively deemed stateless by the inability of his government to gain access to him and he was held without charge at Guantanamo for nearly three years.

Khadr's detention in Guantanamo was quickly deemed necessary and justified due to reports of successful intelligence gathering. Several articles confirm that after "prodding" at Guantanamo Bay it has been reported that Omar was "squealing like a pig," thus justifying any treatment he may receive and further substantiating the presumption of his guilt.¹⁶⁹ This process made him superfluous as he was completely isolated in the Camp and his condition remained invisible to a public that was willfully blind to his treatment and the injustice of the system that created Guantanamo Bay. By deferring to U.S. assurances of his treatment, Canada made the error of allowing the idealization of human rights to prevent us from identifying the limitless possibilities of man. The silent consent of the Canadian public to the treatment of Khadr was an essential element in his complete isolation by depriving him of a place where one's opinions are significant and their actions effective. This critical period of silence was made possible due to several factors, the most important being the detachment of the Canadian public to Omar based on the evaluation of his authenticity as a Canadian citizen, deeming him less worthy of the rights that were supposedly at the centre of a conflict that purported to demonstrate the superiority of Western civilization.

¹⁶⁸ Arendt, 447-448

¹⁶⁹ Mark MacKinnon and Colin Freeze, "Canadian teen may be U.S. source," The Globe and Mail Oct 30 2002, : A.9, .; See also: Colin Freeze, "Canadian teen held at Guantanamo," The Globe and Mail Oct 31 2002, : A.1, ., Stewart Bell, "Canada's al-Qaeda 'singing like birds': Captured operatives reported to be co-operating with interrogators," National Post Nov 2 2002, : B.1.FRO, .

3. July 2008: Disclosure of Evidence and the Beginning of Repatriation

The previous period of analysis showed the difficulty that Canada faced in attempting to rid itself of the label of being a 'haven' for terrorism and the effects that had. This period also emphasizes the obstacles in attempting to shed labels once they have been applied and how much more grievous their consequences can be when they are applied to individuals without recourse to oppose them.

There were two public disclosures that make this period significant for analysis. New evidence surfaced indicating that Sgt. Speers' wounds may have in fact been caused by American grenades as opposed to the soviet artillery that Omar would have had, which would exonerate him if true. Secondly, the Supreme Court of Canada ordered disclosure of all government documentation surrounding CSIS and DFAIT interviews with Omar, implicating the Canadian government's knowledge of his mistreatment at Guantanamo Bay.

It is significant to note that at this time seven years have passed since 9/11 and six years have gone by from the public's introduction to Omar. In this lapse of time public opinion has shifted in regards to the legitimacy of the War on Terror; the increasing unpopularity of President Bush, the highly disputed invasion of Iraq, revelations about the mistreatment of detainees at Abu Ghraib and the extraordinary rendition of Maher Arar all contributed to this public backlash. In the alternative, the many public comments and activities of the Khadr family have engrained a deep hatred and distrust for this family, which has continued to influence public opinion and discourse about Omar. People's perceptions of these issues are clearly reflected in the shift of opinion regarding how Omar should be treated.

In this period we see the representation of two very polarized positions in the media, which is reflected in the public response to the reporting of these issues. On the one side is the representation of Omar as a victim – of the Bush-led War on Terror, CSIS' negligence, his family's 'indoctrination' of hatred and extremist Islamic views. The other characterization that is represented is more consistent with the previous period as Omar the terrorist, who is now being defended by 'bleeding heart liberals' that are only now opposing Khadr's incarceration due to the shift in government. Both of these positions say more about the perceptions of ourselves and Canada's participation in the War on Terror than they do about the legitimacy of Omar's treatment or the rights he has been deprived of.

One of the revelations surrounding Omar Khadr at this time is the announcement by his military defence lawyers that two expert witnesses will testify that Sgt. Speers' wounds are consistent with the types of fragments that would come from American grenades, suggesting that he was the victim of a "friendly fire" incident. Lt.-Cmdr. Kuebler also reasserted the defence's claim that there was another al-Qaeda fighter alive after the initial fight.¹⁷⁰ This evidence was largely overshadowed by the disclosure of the Canadian documents and the debates surrounding Canadian involvement. In their coverage of this story, both the *Ottawa Citizen* and *National Post* reference portions of the disclosed evidence wherein Omar admits to CSIS that he received training in infantry, rifles and grenades while staying at the home he was left at by his father. This is meant to undermine his possible innocence by implying that if he did not throw the grenade as

¹⁷⁰ Steven Edwards, "Khadr Lawyers Blame U. S. Arms; Friendly fire killed Speer, experts will say," *National Post* Jul 16 2008, : A.1, ., Steven Edwards, "Khadr team alleges friendly fire; Defence to argue U. S. soldier was killed by American grenade, not terror suspect," *The Ottawa Citizen* Jul 19 2008, : A.1, ., Steven Edwards, "U.S. Fire Killed Soldier; Fatal Grenade was American: Khadr defence," *National Post* Jul 19 2008, : A.1, .

alleged then he would have likely committed violence at some point, thus justifying his detention either way.

This new account of the firefight is further undermined by the accompanying interview with Sgt. Morris. Sgt. Morris gave the initial account of Omar as the terrorist emerging from the rubble to assassinate Sgt. Speer, despite Lt.-Cmdr. Kuebler's contention that Morris had sustained injuries to his eye and had been removed from the site of the battle before the final attack in which Sgt. Speer was killed.¹⁷¹ Sgt. Morris is used to reiterate the "official" version of the battle, as well as reinforce our initial perceptions of who the victims and aggressors of this situation were. Morris recounts his own injuries and states that he finds it "troublesome" that the public needs to be constantly reminded of what Khadr is alleged to have done, stating that Omar "earned that stay" in Guantanamo Bay.¹⁷² In "Keep Khadr Where He Is," an editorialist dismisses the claims of this evidence, arguing that Omar is "no Maher Arar," referencing his family ties and the fact that he was found in an al-Qaeda safe house.¹⁷³ This demonstrates how the suspicion of Khadr's guilt overrides the real point which is that his guilt or innocence has no relevance to the shifting standards of legality surrounding Guantanamo Bay and the deprivation of his rights.

The most prominent discussion of Omar in the media during this period surrounds the disclosure of the government's evidence relating to the CSIS and DFAIT interviews with him at Guantanamo Bay. This evidence included seven hours of video footage of these interviews; selected footage was initially released by Khadr's defence attorneys that show him crying, exhibiting his wounds to his interrogators and begging them to "protect

¹⁷¹ Stewart Bell, "Khadr 'earned that stay' at Guantanamo, soldier says," National Post Jul 16 2008, : A.1, .

¹⁷² *ibid.*

¹⁷³ Anonymous, "Keep Khadr Where He Is," National Post July 17 2008, A.12.

[him] from the Americans.”¹⁷⁴ The major revelation in these documents is that Canada was explicitly aware that Omar was subjected to the “frequent flyer program” and periods of isolation preceding and following their interviews.

The released footage represents the first glimpses of Omar that the public is given since it had been introduced to this young man six years prior. The video tapes reflect what was omitted from the public discourse prior to this point – Omar’s representation of what happened to him and his extreme vulnerability as he recognizes that the Canadian officials have not come to help him but interrogate him further. The depiction of Omar’s behaviour and explanations in the videos and documents demonstrate the destruction of the moral and individual man, which are the final steps in the “production of living corpses.” The process of dehumanization that occurs in the Camp is clearly reflected here as Omar breaks down in tears, muttering “ya ummi” – or “Oh Mother” in Arabic – and tells his interrogators that there is “no one in the world” that cares about him.¹⁷⁵ This feeling of utter isolation is essential in the production of totalitarian stability, which is necessary for the production of beings that are reduced to nothing more than a “bundle of reactions.”¹⁷⁶

The destruction of his moral and individual person is reflected in numerous instances of mental and physical abuse that were revealed during this time. Interrogators at Guantanamo are alleged to have threatened Omar with torture, rape and the abuse of

¹⁷⁴ Colin Freeze and Omar El Akkad, "Canada's secret documents on Khadr's treatment revealed," The Globe and Mail Jul 10 2008, : A.1, ., Paula Simons and Jodie Sinnema, "Khadr claims no choice but to fight; CSIS Interview; 'I told you the truth. You don't like the truth'," National Post Jul 16 2008, : A.4, .

¹⁷⁵ Anonymous, "The person in the cell," The Ottawa Citizen Jul 16 2008, : A.10, ., Anonymous, "Due Process Is For Khadr Too," The Globe and Mail July 16 2008, : A.14, ., Colin Freeze and Katherine O'Neill, "After day of making admissions, Khadr went silent," The Globe and Mail Jul 16 2008, : A.1, ., Katie Rook, "Family upset, not surprised by video; 'I felt it was very heartbreaking,' sister says," National Post Jul 16 2008, : A.5, .

¹⁷⁶ Dana Villa, Politics, Philosophy, and Terror: Essays on the Thought of Hannah Arendt (New York: Princeton University Press, 1999).

his family if they do not cooperate. Omar claims that he was frequently chained up in stress positions for hours until he would urinate on himself at which point the guards would return him to his cell without showering or providing him with a change of clothes. Once after this happened the guards allegedly poured pinesol on him and dragged him back and forth across the floor using him as a “human mop.”¹⁷⁷ This is just one example that signifies Omar’s reduction to bare life, as his submission is eventually won through the complete destruction of his human dignity reflected in the abject violence committed against him.

The varied responses of the public to the disclosure of this evidence demonstrates the polarizing positions that perceive Omar as either the terrorist (thus deserving of his treatment) or as the victimized child-soldier. One of the most predominant themes represented in the public and government response to these videos is that of responsibility. The assignment of responsibility to various individuals and institutions for the outcome of the Khadr situation reflects the self-perceptions that these various factions are seeking to reinforce.

Dominant in the columns of the *National Post* and the *Ottawa Citizen* is the continuation of responsibility being assigned to Omar, exhibiting the ongoing presumption of his guilt and the responsibility of the individual. These beliefs are more explicitly vocalized through a series of letters to the editor that proclaim Omar Khadr “made his bed, let him lie in it.”¹⁷⁸ Another writes that pity should be reserved for the families of the 9/11 victims and soldiers in Afghanistan and that any treatment Omar is

¹⁷⁷ Shephard, A.1

¹⁷⁸ Doug Stallard, “Post readers have no sympathy for Omar Khadr,” *National Post* Jul 16 2008, : A.13, .

receiving is “the price you pay for being a terrorist.”¹⁷⁹ These sentiments reflect the incendiary characterizations that were initially made of Omar, his family and anyone suspected of embodying the ‘folk-devil’ figure of the terrorist.

Other proponents of enforcing Omar’s individual responsibility for these actions imply suspicion towards the authenticity of his emotional reactions and pleas. Next to an article depicting the newly disclosed evidence, the National Post published another that claimed Omar had “played chameleon”¹⁸⁰ in his interviews with Canadian officials, thus diminishing the legitimacy of his claims of abuse. This sentiment is repeated in a letter responding to this article that calls Omar’s emotional breakdown depicted in the videos an “Oscar-worthy performance.”¹⁸¹ This perception cannot be attributed to a mere Conservative response as the claims purported in the Post originated from notes taken in the original interviews of CSIS and DFAIT. This demonstrates the ease with which everyone at the time detached themselves from Omar’s basic humanity, silently consenting to whatever treatment he may be exposed to based on the presumption of his guilt.

While the aforementioned reactions demonstrate a continuation of the discourse evidenced in the previous two periods, the opposing camp is representative of a broad stratum of people that have become increasingly critical of the tactics of the War on Terror. Articles in the Globe and Mail as well as the Toronto Star convey horrified reactions to the reality of abuse that is demonstrated in the tapes. This evidence forced

¹⁷⁹ "Our readers speak out," The Ottawa Citizen Jul 16 2008, : A.3, .

¹⁸⁰ Steven Edwards and Michael Higgins, "Played chameleon in interviews," National Post Jul 16 2008, : A.4, .

¹⁸¹ Our readers speak out A.3

onlookers to face one of the fundamental realities of the Camp, which is that “everything is permitted” and therefore “everything is possible.”¹⁸²

Common responses contained in letters reflecting this position portrays Khadr as a victim of “George Bush’s ‘War on Terror.’”¹⁸³ Criticism is not however isolated to the Americans as numerous editorials criticize the ‘shame’ that successive Canadian governments have brought upon the nation by not intervening on behalf of Omar. In particular, the participation of CSIS in the interviews is widely criticized and accountability is demanded as one editorialist writes, “CSIS has some explaining to do.”¹⁸⁴ What few of these criticisms acknowledge is that the actions of the government and its law enforcement agencies were a reflection of the social temperature of the time. As the previous two periods of analysis demonstrate, the overarching sentiment in the wake of the 9/11 attacks was that people wanted the government to cooperate with the NATO operation and most other demands made by the United States at the time, with many advocating the harmonization of border and immigrations policies, etc. While this does not diminish the legitimate responsibility that the various government institutions had to uphold the rights of citizens abroad, it demonstrates how the overall mood of the nation was reflected in the way the government carried out these duties and the extent to which they fought for Omar Khadr. While the general population was perhaps not explicitly aware of the nature or extent of his treatment it was aware of the existence of “legal black holes” such as Guantanamo Bay. The consent to his detention represented by the lack of opposition sealed his fate of invisibility to the world, which was exactly what everyone at the time seemed to want.

¹⁸² Villa.

¹⁸³ Our readers speak out A.3

¹⁸⁴ Anonymous, A.14

Polls published in several of the publications following the disclosure of the tapes evidenced the lack of an effect the material seemed to have on people's previous opinions. Rather than altering people's perceptions, it seems as though the new evidence was interpreted in a way that amplified their pre-existing beliefs. This shows the difficulty of reversing ideological assumptions once they have become embedded in the 'common sense' discourse surrounding an issue; as Foucault writes it becomes as difficult as changing the truth itself.¹⁸⁵

The final debate that emerged from the disclosure of this evidence surrounds the issue of what the subsequent steps should be in dealing with Omar. The various positions on this issue demonstrate more ambiguity amongst the population, though each one is more demonstrative of the public perceptions of the government's weaknesses than they are an objective evaluation of what is owed to Omar.

The first option, advocated by Omar's joint legal team, Liberal and NDP politicians is that of repatriation. This position argues that Canada, like the other Western nations that had detainees at Guantanamo Bay, should request that Omar be returned to Canada and face justice here. The literature demonstrates that the extent to which people seem to identify Omar as a victim, the more strongly they seem to feel about him being returned to face justice here. However, the portrayal of Khadr as a victim does not prevent them from proliferating Orientalist-influenced assumptions and judgments about the root of his problem, which is his family. One of the most common sources of 'responsibility' is assigned to the Khadr family, regardless of their perception of Omar's guilt or innocence. Those that believe he is innocent claim that he has been punished based on the "sins of the father," while those that advocate his victimization claim that

¹⁸⁵ Purvis and Hunt.

even if he did do it, he should not be blamed because he was “indoctrinated” with the “extreme Islamist views” of his “al Qaeda family.”¹⁸⁶

This ongoing Orientalist discourse is particularly evident in an article published in the *Globe and Mail* titled, “What Would Jesus Do?” This article is a profile of Lt.-Cmdr. Kuebler that lionizes his actions as a criminal defence attorney for alleged terrorists in Guantanamo Bay. The article evokes Kuebler’s likeness to Christ in that he is working on behalf of unpopular people with no alternative defender. This article exalts Kuebler’s position as one of the good Christian who is needed to portray Omar as the ‘good’ Muslim that has been victimized by his family of ‘bad’ Muslims.¹⁸⁷

The official position of the Conservative Party has carried over from the previous positions of the Progressive Conservative and Alliance parties mentioned in the initial period of analysis. Following disclosure of the evidence, Prime Minister Harper reiterated his official position that, “There’s a judicial process to deal with these serious charges that have been leveled against Mr. Khadr, and that process, not a political process, should determine his fate.”¹⁸⁸ The position of the government implicitly supports the ad hoc legal system that has been initiated at Guantanamo Bay, though they refuse to comment about its legitimacy directly. Advocates of this position are also critical of his defence attorneys and their “PR work” in the “court of public opinion.” The government is also critical of the disclosure of the evidence as being both “dangerous

¹⁸⁶ Colin Freeze, “Ottawa fought Khadr’s transfer to Gitmo,” *The Globe and Mail* Jul 11 2008, : A.1, ., Lawrence Martin, “Standing up for Gitmo is not standing up for Canada,” *The Globe and Mail* Jul 17 2008, A.17.

¹⁸⁷ Omar El Akkad, “What would Jesus do? Conservative Christian is Omar Khadr’s last line of defence in terror trial,” *The Globe and Mail* Jul 19 2008, : A.1, .

¹⁸⁸ Alexandra Zabjek, Bal Brach, and Jorge Barrera, “Footage shows Khadr needs action: lawyers; PM Rejects Role,” *National Post* Jul 16 2008, : A.1, .Bill Curry and Campbell Clark, “No alternative to Guantanamo process, PM says,” *The Globe and Mail* Jul 11 2008, : A.4, .

and unhelpful,” further politicizing the matter.¹⁸⁹ The politicization of this issue is reinforced by Conservative representatives who all too willingly point out that they are simply following the policy that was initiated by the Liberal government following Omar’s capture. While this does present the valid point that both parties are guilty of providing insufficient assistance to Omar, it by no means justifies the ongoing deprivation of his rights. The effect of these observations portrays the intervention of the Canadian court system as a political process therefore implicitly legitimizing the Military Commissions as a legal process.

This is further substantiated by the cautious warnings featured in various publications that the potential for prosecuting Omar in Canada is anywhere from impossible to unlikely based on the claims of torture and discordant standards of evidence.¹⁹⁰ Despite the proliferation of evidence indicating that Omar has been tortured and completely dehumanized, the fear that he will not be sufficiently punished if returned to Canada continues to override the conversation of this issue.

This issue of repatriation is laced with explicit and implicit evaluations of his authenticity as a Canadian citizen. Even for those that oppose the ‘justice’ system implemented at Guantanamo Bay, there are reservations about who Omar would be released to, thus evoking further association with the extreme views of his immediate family. Protests against repatriation are often accompanied by inflammatory opposition to his family generally and are influenced by the anti-immigrant discourse evidenced in

¹⁸⁹ Zabjek, Brach, and Barrera, A.1

¹⁹⁰ Curry and Clark, A.4, Anonymous, "The real alternative on Omar Khadr," The Globe and Mail Jul 11 2008, : A.14, ., Omar El Akkad, "If Khadr has to serve time, law provides options," The Globe and Mail Jul 12 2008, : A.5, ., Michelle Shephard, "Gloves come off in Khadr fight; Dallaire lashes out at Harper for not intervening in detainee's case, says Canada's reputation at stake," Toronto Star Jul 17 2008, : A.17, ., Michelle Shephard, Tonda MacCharles, and Les Whittington, "PM says 'no' to bringing Khadr home; Human rights lawyers seek criminal probe after revelations about prisoner's ill treatment," Toronto Star Jul 11 2008, : A.4, .

the previous periods of analysis. Letters to the editor demonstrate the most provocative, but by no means under-represented, statements conveying these prejudices. Some argue that Omar should be “stripped of his citizenship,” while others criticize the prospect of Omar being returned to his “family of extremists collecting Canadian welfare.”¹⁹¹ Others question “why Canada [is] responsible for rehabilitating terrorists?” as if we were being forced to adopt someone else’s problem.¹⁹² These comments demonstrate how the lingering suspicion of Omar and his family continue to prevent him from making outright demands for his rights and rather debate the issue of what rights ‘we’ will allow him access to.

The inherent problem surrounding these debates is that each position is embedded in a general reflection of what particular sects of the population view to be ‘the problem’ with how the government has dealt with terrorism. Whether this has been ignoring human rights, excessive adherence to American objectives or, in the alternative, a continuing demonstration of lax immigration and security policies, what they all have in common is the concern for ‘our’ national image. In protest against the current government’s position to refrain from requesting repatriation, Bob Rae told reporters that “I think the government owes it to us (to bring him home). This is no longer just about Omar Khadr.”¹⁹³ If there is one thing that this present period of analysis demonstrates is that it never was.

¹⁹¹ Stallard, A.13 “Omar Khadr's ordeal,” *Toronto Star* Jul 16 2008, : AA.7, .

¹⁹² *Our readers speak out* A.3

¹⁹³ Richard Brennan, “Disgraceful’ that Khadr not at home; Videotape fuels calls by critics for repatriation,” *Toronto Star* Jul 16 2008, : A.19.

Conclusions

The initial period of analysis following the attacks of September 11 reflected the ideological limitations of the discourse surrounding terrorism. A resurgence of the Orientalist image of the Arab or Muslim as the terrorist folk-devil was implicitly utilized to personify the threat of terrorism, affecting a backlash against people vaguely identified with this risk. The instantaneous framing of the issue as one of good versus evil further dehumanized this figure as he became seemingly expansive and omnipotent. By amplifying the fear that this risk was an increasing threat to our democratic institutions and freedoms (i.e. 'our way of life') the issue became depoliticized, further villainizing the 'terrorist'. The civilizational discourse that underpinned the discussion of terrorism demonstrates how socially constructed knowledge becomes ideological by making particular interests appear universal, thus reinforcing pre-existing power relations.

This period also gave us a glimpse into what this crisis reflected about the Canadian people. These events were the impetus for a reflexive moral panic in Canada that was exacerbated by the myth that some of the 9/11 suspects had entered the United States through Canada. While this was proven false, the rhetoric of Canada being a 'haven' for terrorism due to its 'lax' immigration and border security persisted. When converged with the pre-existing Orientalist image of the terrorist, this resulted in a rhetorical backlash of the 'silent majority' against the racialized figure of the "enemy within." This concern with demonstrating our vigilance towards fighting terrorism led to a shift of power wherein coercive measures were justified and consent to the centralized exercise of control were embedded. This shift is indicative of the international security regime that formed at this time and while elements have been debunked or dismantled

there are lasting totalitarian elements in place, as well as dire effects for many individuals that have been denied rights under the auspices of the War on Terror.

Omar Khadr is one such individual that continues to be punished for who he is rather than necessarily for what he has done. The coverage of Omar Khadr since 2002 demonstrated how a label that makes a particular kind of social knowledge widely available also makes a particular kind of response equally predictable. Omar was inserted into the pre-existing discourse of terrorism rather than being given any degree of agency to establish his own identity or claim rights effectively as a Canadian citizen (or as a Prisoner of War). Depictions of Omar in the media as the terrorist assassin were exacerbated by the immense amount of attention that was focused on the alleged activities of his father and brother, as well as the 'extremist' beliefs of his entire family.

This coverage contributed to the very critical periods of silence regarding Omar's legal and human rights at the time of his capture and subsequent transfer to Guantanamo Bay. The perception of Omar as a terrorist contributed to his Canadian citizenship being deemed inauthentic or controvertible, if not officially then in a de facto sense. The ease with which Omar was abandoned and left to the inclinations of the American government demonstrates the importance of social citizenship and having a legitimate claim to a state in receiving critical legal, political and human rights. For Omar Khadr it was with the discovery that he had no state that was willing to take responsibility for and protect him that he recognized his fate of being completely isolated and abandoned.

Khadr's time spent in Guantanamo (and the staggered pace with which the public learned of his treatment) contributed to what Arendt deemed the production of living corpses, affected through the destruction of Omar's juridical, moral and individual

person. The ability to remain willfully blind to his plight was amplified through an authoritarian populist backlash demonstrated in the discourse during the second and third periods of analysis. Outcry against giving Omar any ‘special status’ based on his age or any other appeals to pre-existing international law were summarily rejected. This justified the perversion of legal classifications that were opportunistic at best (such as “persons under control” or “unlawful enemy combatant”). The destruction of pre-existing social, legal, and political traditions of individual states and the replacement of new political institutions such as the Military Commissions at Guantanamo Bay demonstrate the aforementioned shift towards centralization. This allowed for Guantanamo to be deemed as the official, legal process of the War on Terror despite increasing condemnation of the practices employed there by courts in numerous states, including Canada. While alterations have been made to this system the core manipulation of legality is permitted by its ongoing existence and legitimation.

The disclosure of new evidence in Omar’s case during the third period of analysis demonstrates the consequences of the periods of silence enabled by the government, the media and the general population. Lt-Cmdr Kuebler, testifying before a House Standing Committee, stated that “how you’re treated in Guantanamo and ultimately the question of whether or not you leave [...] is a function of where you’re from and the willingness of your home country to act to protect your rights”.¹⁹⁴ Once perceptions of who Omar was were embedded into the national psyche, the emergence of new evidence was largely inconsequential, solidifying that he is being punished for who/what he is presumed to be rather than actions that he can be proved to have committed. This is further evinced by

¹⁹⁴ Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

the reality that even if Omar does receive a fair trial and is found not guilty it is still not clear that the United States would release him as the government has argued that it can hold detainees indefinitely.

This whole process demonstrates a fundamental complication of declaring a War on Terrorism, which is a tactic of violence rather than a legitimate target of warfare. This declaration conflates all varieties of terrorism, thus glossing over the historical and political motivations that inspire such audacious acts of violence in the first place. Omar became the personification of terrorism due in part to the ease by which Orientalist language was embedded as part of a broader mobilization against 'terrorism'. The ensuing legal manipulations that resulted in anyone suspected of being connected to terrorism being stripped of all rights reveals how discourse has the ability to bring into being the very realities it claims to describe, becoming a self-fulfilling prophecy. Comments from several DFAIT reports indicate that many of the guards at Guantanamo felt that Omar was a "good kid" and certainly "salvageable" but only if he could be removed from the poisonous atmosphere of the prison.¹⁹⁵

By producing social subjects within pre-determined frameworks this era has demonstrated both a resurgence of Orientalism that has depicted the Muslim as being synonymous with the threat of violence. This perception has reinforced a hierarchy of social acceptance within Canadian citizenship that is racially marked, which was reflected in the erosion of Omar's legal, political and human rights until he was reduced to a state of bare life. The fact that this occurred with the implicit consent of the public demonstrates an important element of totalitarianism which is that consensus is not the opposite but the complementary face of domination. Omar's treatment demonstrates that

¹⁹⁵ Department of Foreign Affairs and International Trade.

the War on Terror has failed at what was supposed to be the core goal of preserving the freedoms that are supposedly inherent within the principles of liberal democracies.

Bibliography

- "Affidavit of Omar Khadr." Omar Ahmed Khadr v. The Prime Minister of Canada et al (July 30, 2008).
- Akkad, Omar E. "From 'Mama's Little Boy' to Model Prisoner." The Globe and Mail Jul 16 2008: A.11.
- . "If Khadr has to Serve Time, Law Provides Options." The Globe and Mail Jul 12 2008: A.5.
- . "U.S. Treatment of Khadr may have Exceeded Military's Own Guidelines." The Globe and Mail Jul 11 2008: A.5.
- . "What would Jesus do? Conservative Christian is Omar Khadr's Last Line of Defence in Terror Trial." The Globe and Mail Jul 19 2008: A.1.
- Alberts, Sheldon. "Ottawa Seeks Access to Canadian Teenager: Suspected Terrorist's Son: Chretien Intervened when Boy's Father was Held in Pakistan." National Post Sep 6 2002: A.4.
- Amiel, Barbara. "Destroy Myths First, then Terrorist States: War on the West Didn't Start Last Week. if we Don't Take Proper Action Against those Who Hate Us, it is at our Own Peril." National Post Sep 17 2001: B.4.
- Anonymous. "Canada's Child Soldier: U.S. should Let our Diplomats Assess a Teen Held in Afghanistan." The Ottawa Citizen Sep 12 2002: A.14.
- . "Canada's Role in Gitmo Grilling." Toronto Star Jul 16 2008: AA.6.
- . "Dealing with Infamy." The Ottawa Citizen Sep 12 2001: A.9.
- . "Due Process is for Khadr Too." The Globe and Mail July 16 2008: A.14.
- . "Facts and Fallacies of Celebrated Case; A Guide to Vital Issues Involving the Fate of the Toronto-Born Guantanamo Detainee." Toronto Star Jul 19 2008: A.4.
- . "Immigration Act to Face Tough Review: Senator ; Says U.S. Attacks Prove Need for Strong Anti-Terrorism Steps." Toronto Star Sep 14 2001: A.23.
- . "Keep Khadr Where He is." National Post July 17 2008: A.12.
- . "Let's Rally 'Round our American Friends." The Globe and Mail Sep 13 2001: A.18.
- . "New Yorkers, all." Toronto Star Sep 13 2001: A.28.

- . "The Person in the Cell." The Ottawa Citizen Jul 16 2008: A.10.
- . "The Real Alternative on Omar Khadr." The Globe and Mail Jul 11 2008: A.14.
- Arendt, Hannah. The Origins of Totalitarianism. New York : Harcourt, Brace, 1951.
- Arnold, Tom. "U.S. to Call for Tighter Security at Borders: Refugee Policy Under Fire: No Indication Terrorists Entered from Canada: PM." National Post Sep 13 2001: A.16.
- Aubry, Jack. "'Not nearly enough': Opposition Slams Anti-Terrorism Moves." The Ottawa Citizen Sep 18 2001: A.3.
- Axworthy, Lloyd. "Canadians are Ready to Fight, but Want some Answers." The Globe and Mail Oct 8 2001: A.17.
- . "Make Sense, Not War." The Globe and Mail Sep 17 2001: A.17.
- Bahdi, Reem. "No Exit: Racial Profiling and Canada's War Against Terrorism." Osgoode Hall Law Journal 41 (2003): 293-316.
- Balibar, Etienne, and Immanuel Maurice Wallerstein. Race, Nation, Class: Ambiguous Identities. London ; New York : Verso, 1991.
- Bell, Stewart, and Michael Friscolanti. "'Americans are Coming. Get Ready to Kill them': Minutes After this Photo is Taken, U.S. Troops are Hit -- and a Canadian Teen is Implicated (Toronto Edition Headline)." National Post Sep 21 2002: A.1.FRO.
- Bell, Stewart. "Al-Qaeda's Canadian Vanguard: Khadr Father Tops List of 75 Suspected Bin Laden Operatives." National Post Sep 6 2002: A.1.FRO.
- . "Canada's Al-Qaeda 'Singing Like Birds': Captured Operatives Reported to be Co-Operating with Interrogators." National Post Nov 2 2002: B.1.FRO.
- . "Controversy Grows Over Teen Terror Suspect: Held After Soldier Killed: Harper Worries Canada Becoming Platform for Terror." National Post Sep 7 2002: A.1.FRO.
- . "How Bin Laden Uses Canada to Legitimize His Terrorists: Paris Trial of Guerrilla Alleges Fundraising, Forgery of Passports." National Post Sep 29 2001: A.1.FRO.
- . "Infiltrating Canada." National Post Sep 17 2001: A.8.
- . "Khadr 'Earned that Stay' at Guantanamo, Soldier Says." National Post Jul 16 2008: A.1.

---. "The Legions that Hate America: Jihad has Many Faces." National Post Sep 12 2001: D.1.FRO.

---. "RCMP Fears Return of Family with Terror Links: Son Accused of Killing U.S. Soldier in Afghanistan." National Post Oct 5 2002: A.4.

Bell, Stewart. "Canadian Teen Transferred to Guantanamo: Captured in Afghanistan: Foreign Affairs Not Told of Move by Washington." National Post Oct 31 2002: A.6.

---. "U.S. Denies Ottawa Access to Khadr Teen: Canadian Accused of Throwing Grenade that Killed Medic." National Post Sep 10 2002: A.1.FRO.

Blatchford, Christie. "Canada does Not Rate a Mention." National Post Sep 21 2001: A.8.

---. "A Test of what we are." National Post Oct 8 2001: A.1.FRO.

---. "It's a Question of Knowing Who to Hate." National Post Sep 29 2001: A.14.

Boswell, Randy. "The Khadr: A Family on the Run." The Ottawa Citizen Sep 6 2002: A.1.FRO.

Brennan, Richard. "'Disgraceful' that Khadr Not at Home; Videotape Fuels Calls by Critics for Repatriation." Toronto Star Jul 16 2008: A.19.

Bronskill, Jim, and Rick Mofina. "The Canadian Connection: Suspects Entered U.S. from Quebec, Nova Scotia: Officials." The Ottawa Citizen Sep 13 2001: B.5.

Bronskill, Jim. "Canadian Teens Held as Terror Suspects: Brothers may have Joined Al-Qaeda." Calgary Herald Sep 6 2002: A.1.FRO.

Canada (Justice) v. Khadr. Vol. 2 S.C.R. 125., 2008.

Canada (Prime Minister) Et Al v. Khadr. Vol. FCA 246., 2009.

Canada (Prime Minister) v. Khadr. Vol. SCC 3., 2010.

Chase, Steven. "Canada Rolls Down Security Shutters." The Globe and Mail Sep 12 2001: A.7.

Clark, Campbell, and Jane Gadd. "Fear Grows of Reprisal on Streets of Canada." The Globe and Mail Sep 13 2001: A.4.

Colombani, Jean-Marie. "We are all Americans." Le Monde Sep 12 2001.

Cowan, James. "No Easy Options in Khadr Case, Experts Warn; Prosecuting Suspect in Canada would be Complex Affair." National Post Jul 17 2008: A.4.

Curry, Bill, and Campbell Clark. "No Alternative to Guantanamo Process, PM Says." The Globe and Mail Jul 11 2008: A.4.

Department of Foreign Affairs and International Trade. Memo: Meeting with Omar Khadr., 2004.

---. "Report of Welfare Visit with Omar Khadr." .

---. "Report of Welfare Visit with Omar Khadr." .

---. "Report of Welfare Visit with Omar Khadr." .

DiManno, Rosie. "We Will Endure." Toronto Star Sep 15 2001: B.01.

DiManno, Rosie. "Khadr's no Perfect Sacrificial Lamb." Toronto Star Jul 16 2008: A.2.

Doidge, Norman. "Why they did it." National Post Sep 15 2001: A.17.

Duffy, Andrew. "New 'Superterrorism' may Produce Huge Casualties." The Ottawa Citizen Sep 14 2001: C.3.

Dyer, Gwynne. "Terrorist Hijacking Planned by Chess Players, Not Lunatics." Toronto Star Sep 13 2001: A.27.

Edwards, Steven, and Michael Higgins. "Played Chameleon in Interviews." National Post Jul 16 2008: A.4.

Edwards, Steven. "Khadr Counsel Set to Release Interrogation Videos on Web; First Public Images." National Post Jul 15 2008: A.4.

---. "Khadr Lawyers Blame U. S. Arms; Friendly Fire Killed Speer, Experts Will Say." National Post Jul 16 2008: A.1.

---. "Khadr 'Softened Up' before Canadian Visits." National Post Jul 10 2008: A.8.

---. "Khadr 'Softened Up' for Talking." The Ottawa Citizen Jul 10 2008: A.1.

---. "Khadr Team Alleges Friendly Fire; Defence to Argue U. S. Soldier was Killed by American Grenade, Not Terror Suspect." The Ottawa Citizen Jul 19 2008: A.1.

---. "U.S. Fire Killed Soldier; Fatal Grenade was American: Khadr Defence." National Post Jul 19 2008: A.1.

---. "Videos show Khadr Crying, Pulling His Hair in Detention; Terror Suspect's Defence to Release Tapes Today." The Ottawa Citizen Jul 15 2008: A.3.

- Edwards, Steven. "UN Report shows Canada's Arms Gap: We're Behind the Belgians." National Post Sep 26 2001: A.1.FRO.
- Egan, Kelly. "Muslims Endure Ugly Backlash: In the Wake of Tuesday's Terrorist Attacks, a Rage has Begun to Spread." The Ottawa Citizen Sep 14 2001: B.12.
- Fairclough, Norman. Analysing Discourse: Textual Analysis for Social Research. New York: Routledge, 2003.
- Fife, Robert, and Jan Cienki. "NATO, Congress Join Bush for War on Terrorists: Report Says Contingency Plan being made for Ground Attack on Afghanistan; PM Says Canada Ready to Help U.S." National Post Sep 13 2001: A.1.FRO.
- Fife, Robert. "'Canada at War': Manley: 'Shoulder to Shoulder': Says Government Will Stand with U.S. Even if our Soldiers Die in Battle." National Post Sep 17 2001: A.1.FRO.
- Francis, Diane. "Canada Gets Well-Deserved U.S. Snub: Our Neighbour's Upset Over our Loose Refugee System." National Post Sep 22 2001: C.3.
- . "Canada must be on a War Footing." National Post Sep 25 2001: B.3.
- . "Canada must Root Out Fake Refugees." National Post Sep 18 2001: B.3.
- . "Canada: Queen's Scout for Refugees: We'll Let Anyone in Anytime from Anywhere." National Post Oct 13 2001: FP.3.
- . "The Motive Behind Bin Laden's Moves: Terrorist Seeks West's Destruction by Controlling Oil." National Post Oct 2 2001: FP.3.
- . "Ottawa must Act to Mend Porous Border to U.S.: Amalgamation of CSIS and RCMP First Corrective Step." National Post Sep 27 2001: FP.3.
- Freeze, Colin, and Omar E. Akkad. "Canada's Secret Documents on Khadr's Treatment Revealed." The Globe and Mail Jul 10 2008: A.1.
- Freeze, Colin, and Christine Boyd. "U.S. Holds Canadian Teen as Al-Qaeda Assassin." The Globe and Mail Sep 6 2002: A.1.
- Freeze, Colin, and Tu T. Ha. "Watch List has Canadian Link." The Globe and Mail Oct 11 2001: A.4.
- Freeze, Colin, and Katherine O'Neill. "After Day of Making Admissions, Khadr Went Silent." The Globe and Mail Jul 16 2008: A.1.

- Freeze, Colin, Estanislao Oziwicz and Jeff Sallot. "CSIS Watches Islamic Extremists: For Signs of Canadian Terrorists." The Globe and Mail Sep 7 2002: A.4.
- Freeze, Colin. "Bring Back Khadr Now, Martin Says." The Globe and Mail Jul 21 2008: A.4.
- . "Canada Will have Access to Teen in Cuba, U.S. Says." The Globe and Mail Nov 1 2002: A.6.
- . "Canada's Spy Agency Says it Acted 'Appropriately' in Khadr Interrogation." The Globe and Mail Jul 17 2008: A.6.
- . "Canadian Teen Held at Guantanamo." The Globe and Mail Oct 31 2002: A.1.
- . "Family's Lawyers Working Court of Canadian Public Opinion." The Globe and Mail Jul 16 2008: A.11.
- . "Khadr Interrogation Footage Puts Spotlight on CSIS." The Globe and Mail Jul 14 2008: A.4.
- . "Ottawa Fought Khadr's Transfer to Gitmo." The Globe and Mail Jul 11 2008: A.1.
- . "Video Captures Righteous Indignation." The Globe and Mail Jul 15 2008: A.2.
- Friscolanti, Michael. "American Soldiers 'were Ambushed': U.S. Medic Died in Battle: Al- Qaeda, Taliban Fighters Struck Outside Mud-Walled Family Compound." National Post Sep 6 2002: A.3.
- Gardner, Dan. "Yes, in America Too; Torture Isn't all Bamboo Under the Fingernails in a Third-World Jail -- it can be Sophisticated Psychological Abuse, and it can be Carried Out by the United States." The Ottawa Citizen Jul 11 2008: A.13.
- Gatehouse, Jonathon, and Charlie Gillis. "It Started with a Scream: A Special Report on the Effect of the Terrorist Attacks on Ordinary People Around the Globe." National Post Sep 12 2001: B.1.FRO.
- Greenaway, Norma. "PM Decries 'Bum Rap' on Terror: Canada is Not Putting U.S. at Risk, Martin Tells CNN." National Post Dec 6 2004: A.4.
- Ha, Tu T., and Colin Freeze. "Canadian Soil a Long-Time Staging Ground for Al-Qaeda." The Globe and Mail Sep 7 2002: A.4.
- Ha, Tu T. "Heroism of U.S. Soldier made Public at Funeral Service." The Globe and Mail Sep 6 2002: A.13.

Hall, Stuart. "'the Question of Cultural Identity'". Modernity and its Futures. Ed. Stuart Hall, D. Held, and T. McGrew. Cambridge: Polity Press, 1992.

Hall, Stuart. Policing the Crisis: Mugging, the State, and Law and Order. London: Macmillan, 1978.

Hay, Colin. "Mobilization through Interpellation: James Bulger, Juvenile Crime and the Construction of a Moral Panic." Social & Legal Studies 4 (1995): 197-223.

Ibbitson, John. "U.S. Points the Finger due North." The Globe and Mail Sep 27 2001: A.1.

Isin, Engin, ed. Recasting the Social in Citizenship., 2008.

Karim, Karim H. Islamic Peril: Media and Global Violence. 2nd ed. ed. Montreal ; New York: Black Rose Books, 2003.

Khadr v. Canada. Vol. FC 632., 2005.

Khadr v. Canada (Prime Minister). Vol. FC 405., 2009.

Lavolette, Nicole, and Craig Forcese, eds. The Human Rights of Anti-Terrorism. Toronto: Irwin Law, 2008.

Leblanc, Daniel. "Canadian Implicated in Afghan Firefight." The Globe and Mail Sep 10 2002: A.4.

MacCharles, Tonda. "We're both at Risk, Powell Tells CanadaBorder Dominates Discussion ; Tighter Border Controls Designed to Protect Vulnerable Terror Threat a Wakeup Call for all of Us, Graham Says." Toronto Star Nov 15 2002: A.07.

MacKinnon, Mark, and Colin Freeze. "Canadian Teen may be U.S. Source." The Globe and Mail Oct 30 2002: A.9.

MacKinnon, Mark. "Trail of Elusive Canadian Goes Cold in Afghanistan." The Globe and Mail Nov 4 2002: A.1.

Macklin, Audrey. "Can we do Wrong to Strangers?" Calling Power to Account (2005).

---. "Who is the Citizen's Other? Considering the Heft of Citizenship." Theoretical Inquiries in Law 8.2 (2007).

---. "Exile on Main Street: Popular Discourse and Legal Manoeuvres Around Citizenship." Law and Citizenship. Ed. Law Commission of Canada. Vancouver: UBC Press, 2006.

- Markovic, Milan. "Guantanamo Justice." National Post Jul 22 2008: A.14.
- Marshall, T. H. (Thomas Humphrey), and T. B. Bottomore. Citizenship and Social Class. London,: Pluto Press., 1991.
- Martin, David. "Muslims must Conquer their Own Fanatics." The Ottawa Citizen Sep 19 2001: A.11.
- Martin, Lawrence. "Standing Up for Gitmo is Not Standing Up for Canada." The Globe and Mail Jul 17 2008: A.17.
- Mayer, Jane. The Dark Side : The Inside Story of how the War on Terror Turned into a War on American Ideals. New York : Doubleday, c2008.
- McIntosh, Andrew, and Robert Fife. "Ottawa Targets Terror Roots: Bush Meets Chretien, Doesn't Ask for Military Help: Omnibus Bill Intended to Deprive Terrorists of Funds and Fellow Travellers in Canada." National Post Sep 25 2001: A.1.FRO.
- Mitrovica, Andrew. "Spy Service's Purge of Islamic Sources Called Probe Hurdle." The Globe and Mail Sep 18 2001: A.11.
- Mofina, Rick, Jim Bronskill and Mike Blanchfield. "No Links found to Canada: PM: Reports Terrorists Crossed Border into Maine Unsubstantiated: CSIS." The Ottawa Citizen Sep 14 2001: C.4.
- "Omar Khadr's Ordeal." Toronto Star Jul 16 2008: AA.7.
- O'Neill, Juliet. "Canada Will Go 'Every Step of the Way' with U.S. in Fight Against Terrorism, PM Vows." The Ottawa Citizen Sep 15 2001: A.1.FRO.
- . "Canada would Play 'Major Role' in War: Chretien Confirms 'Participation' in any Attack on Afghanistan." The Ottawa Citizen Sep 18 2001: A.1.FRO.
- "Our Readers Speak Out." The Ottawa Citizen Jul 16 2008: A.3.
- Patterson, Kelly. "Anatomy of a Terrorist: To the West, Osama Bin Laden is a Diabolical Genius. but He Sees Himself and His Followers as the Underdog, Heroically Fending Off a Devastating Attack upon His Faith and Culture." The Ottawa Citizen Sep 16 2001: C.4.
- Pearson, Matthew. "Seeing Isn't always Believing, Divided Observers Say; how Canadians React to the Khadr Video Depends on how Much they Know. some Analysts are Hoping it's a 'Wake-Up Call,' Matthew Pearson Writes." The Ottawa Citizen Jul 16 2008: A.3.

- Potter, Mitch. "Suicide Attack is Terrorist's Nuclear Bomb ; Human Death Machines Date Back to the 11th Century." Toronto Star Sep 14 2001: A.13.
- Pugliese, David, and Juliet O'Neill. "Canada 'Part of the Problem,' Report Finds: U.S. Won't Tolerate Lax Immigration Rules and Security Procedures." The Ottawa Citizen Sep 13 2001: B.5.
- Purvis, Trevor, and Alan Hunt. "Discourse, Ideology, Discourse, Ideology, Discourse, Ideology..." The British Journal of Sociology 44.3 (1993).
- . "Identity Versus Citizenship: Transformations in the Discourses and Practices of Citizenship." Social & Legal Studies 8.4 (1999).
- Razack, Sherene. Casting Out: The Eviction of Muslims from Western Law and Politics. Toronto : University of Toronto Press, 2008.
- Rook, Katie. "Family Upset, Not Surprised by Video; 'I Felt it was very Heartbreaking,' Sister Says." National Post Jul 16 2008: A.5.
- Rygiel, Kim. "The Securitized Citizen." Recasting the Social in Citizenship. Ed. Engin Isin. Toronto: University of Toronto Press, 2008.
- Said, Edward W. Covering Islam: How the Media and the Experts Determine how we See the Rest of the World. Rev. ed. ed. New York : Vintage Books, 1997.
- . Orientalism. 25th anniversary ed. ed. New York : Vintage Books, 1994.
- Sallot, Jeff. "Canada Backs 'Proportionate' Attack." The Globe and Mail Sep 14 2001: A.3.
- . "PM Shamed by Attacks on Muslims." The Globe and Mail Sep 22 2001: A.9.
- Salutin, Rick. "Khadr and the Politics of Fear." The Globe and Mail Jul 18 2008: A.15.
- Security Intelligence Review Committee. "CSIS's Role in the Matter of Omar Khadr." .
- Shephard, Michelle. "Canadian Emissary Defends Gitmo Trip." Toronto Star Jul 15 2008: A.1.
- . "Gloves Come Off in Khadr Fight; Dallaire Lashes Out at Harper for Not Intervening in Detainee's Case, Says Canada's Reputation at Stake." Toronto Star Jul 17 2008: A.17.
- . "Interrogation Video Fails to Sway Support to Khadr, Poll Finds." Toronto Star Jul 22 2008: AA.1.

---. "Secret Khadr Dossier Issued by Mistake." Toronto Star Feb 5 2008.

Shephard, Michelle, Tonda MacCharles and Les Whittington. "PM Says 'no' to Bringing Khadr Home; Human Rights Lawyers Seek Criminal Probe After Revelations about Prisoner's Ill Treatment." Toronto Star Jul 11 2008: A.4.

Shephard, Michelle, and Tonda Maccharles. "Canada Knew of Khadr's Ordeal; but Officials Still Denied Detainee was Mistreated." Toronto Star Jul 10 2008: A.1.

Shephard, Michelle. "How U.S. Grilled a Prize Captive; Documents, Interviews Raise Troubling Questions." Toronto Star Jul 12 2008: A.1.

---. "Khadr's Pleas Don't Heal Split; Analysis Public Still Divided Despite Dramatic Video." Toronto Star Jul 16 2008: A.1.

---. "Ottawa Bracing for Interrogation Video; Release Today Expected to Hike Pressure on PM to Get Khadr Sent Home." Toronto Star Jul 15 2008: A.14.

Simons, Paula, and Jodie Sinnema. "Family at Risk of Torture, Boy was Told; Questioners Played Good-Cop Bad-Cop with Young Prisoner." The Ottawa Citizen Jul 16 2008: A.3.

---. "Khadr Claims no Choice but to Fight; CSIS Interview; 'I Told You the Truth. You Don't Like the Truth'." National Post Jul 16 2008: A.4.

Simpson, Jeffrey. "Still the World's Longest Undefended Border?" The Globe and Mail Sep 12 2001: A.19.

Smith, Gordon. "At Day's End, Canada must be there for the Americans." The Globe and Mail Sep 13 2001: A.17.

Spector, Norman. "Goin' Down the Israeli Road to Thwart Terror." The Globe and Mail Sep 13 2001: A.19.

Stackhouse, John. "Bush Zeroes in on Target." The Globe and Mail Sep 14 2001: A.1.

---. "Terrorist Cells Span 34 Countries." The Globe and Mail Sep 17 2001: A.6.

Stallard, Doug. "Post Readers have no Sympathy for Omar Khadr." National Post Jul 16 2008: A.13.

Stasiulis, Daiva, and Darryl Ross. "Security, Flexible Sovereignty, and the Perils of Multiple Citizenship." Citizenship Studies 10.3 (2006): 329-348.

Steyn, Mark. "West's Moral Failure at Root of Tragedy: Our Holiday from History's Undertow has Come to an End." National Post Sep 12 2001: A.1.FRO.

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. "Evidence of Lieutenant-Commander William Kuebler." Apr 29 2008.

Subcommittee on International Human Rights. "Omar Khadr: Report of the Standing Committee on Foreign Affairs and International Development." June 2008.

Thobani, Sunera,. Exalted Subjects : Studies in the Making of Race and Nation in Canada. Toronto : University of Toronto Press, c2007.

Thompson, John. "'Language and Ideology: A Framework'." Sociological Review (1987).

Thompson, Allan. "In Legal Limbo at Cuba's Camp Delta ; Afghan Detainees Beyond Court's Reach Holding of Toronto Teen Sparks Outrage." Toronto Star Nov 16 2002: A.01.

---. "Manhunt Leads to Canada ; Dozens Involved in Attacks Crossed the Border to U.S. some Hijackers were Trained as Pilots in U.S." Toronto Star Sep 13 2001: A.01.

---. "U.S. Declares Teen 'Enemy Combatant'." Toronto Star Sep 11 2002: A.14.

Travers, James. "U.S. Fears Impact on our Rights." Toronto Star Nov 12 2002: A.29.

Van Dijk, Teun A. "'Discourse Analysis as Ideology Analysis'." Language and Peace. Ed. Christina Schaffner and Anita Wenden. Aldershot: Ashgate Publishing, 1995.

van Rijn, Nicolaas. "Hijackers Set Down Roots, Blended in, then Attacked on the Surface, Hijackers Lived the American Dream." Toronto Star Sep 15 2001: A.01.

Villa, Dana. Politics, Philosophy, and Terror: Essays on the Thought of Hannah Arendt. New York: Princeton University Press, 1999.

Vincent, Isabel. "'there should be no Special Status for this Kid'." National Post Sep 6 2002: A.1.FRO.

Wake, Bev. "Why we 'are all Targets': In a Chilling 1998 Interview, the Terrorist Chief Revealed His Fanatical Hatred for Israel and the United States, Threatened 'a Black Future for America,' and Offered what He Considers a Justification for the Killing of Innocent Civilians in the Name of His Faith. Bev Wake Reports on the Day an American Reporter Met the Personification of Hate." The Ottawa Citizen Sep 18 2001: A.6.

Walkom, Thomas. "Why no Legal Process for Teen Terror Suspect?" Toronto Star Sep 24 2002: A.29.

Ward, Olivia. "NATO Calls Strikes on U.S. 'an Attack on all' its Members ; Alliance Agrees to Back any Military Action." Toronto Star Sep 13 2001: A.07.

Weir, Fred. "Afghanistan Much Too Tough to Conquer, Ex-Soviets Say ; 'Shadows and Evil Spirits' Foil Best Military Machines." Toronto Star Sep 18 2001: A.18.

Wente, Margaret. "Business as Usual: What, Him Worry?" The Globe and Mail Sep 27 2001: A.15.

---. "The Terrorist Who's Still Next Door." The Globe and Mail Oct 13 2001: A.21.

---. "They had it Coming?" The Globe and Mail Sep 15 2001: A.21.

---. "Tiptoeing through Islam." The Globe and Mail Oct 2 2001: A.17.

---. "Why we can't Sit on the Fence: Guns, Germs and Fear." The Globe and Mail Oct 11 2001: A.21.

Winsor, Hugh. "More Collateral Damage: The Old 'Canadian Way'." The Globe and Mail Sep 17 2001: A.19.

---. "Why we Need a Foreign Spy Service." The Globe and Mail Oct 5 2001: A.15.

Zabjek, Alexandra, Bal Brach and Jorge Barrera. "Footage shows Khadr Needs Action: Lawyers; PM Rejects Role." National Post Jul 16 2008: A.1.