Securitization Theory and the Canadian Construction of Omar Khadr

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Securitization Theory and the Canadian Construction of Omar Khadr

by

Elizabeth Irene Pirnie

A THESIS
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Abstract

While the provision of security and protection to its citizens is one way in which sovereign states have historically claimed legitimacy (Nyers, 2004: 204), critical security analysts point to security at the level of the individual and how governance of a nation’s security underscores the state’s inherently paradoxical relationship to its citizens. Just as the state may signify the legal and institutional structures that delimit a certain territory and provide and enforce the obligations and prerogatives of citizenship, the state can equally serve to expel and suspend modes of legal protection and obligation for some (Butler and Spivak, 2007).

This dissertation presents the case of Omar Khadr as a means of highlighting the discursive dynamics by which some threats - and some people - come to be understood under the rubric of ‘security’ and the significance of this naming as an act of national identity construction (Fierke, 2007: 103-104). Demonstrating the insights of new avenues of securitization theory research and the continued real-world relevance of the case, my research looks to the constitutive role of security discourses and constituent acquiescence in determining security realities within the context of a politically unsettled period in Canadian history: 2001 to 2005.

The adoption of a securitization theory lens points to key social, historical and political discourses contributing to and challenging Omar Khadr’s nomination for ‘jettisonship’. It also leads me to find his expulsion from Canadian protections and belonging as an emergent phenomenon articulated through discourses of Canadian national identity imposed by both the Canadian state and an acquiescing citizenry. The tracing of these discourses, processes of threat construction and identity contestation present in relief an evolving security dynamic inherent to ideations of citizenship and what it means to be Canadian during a time of national and global insecurity.
Preface

This thesis is original, unpublished, independent, research by the author, E.I. Pirnie.
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Additionally, I would like to extend my sincerest gratitude to my external committee members, Gregory Taylor and Janice Williamson. Thank you for your work, your expertise and your thoughtful questions at the thesis defence. You have directed my attention to productive new ways of thinking about this research.

A special thank you to our department’s Graduate Program Administrator, Megan Freeman. I can’t imagine these years without your kind assistance.

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Finally, I cannot speak to my education without acknowledging Charles Axelrod and Nicholas Tavuchis from the University of Manitoba. From their early mentorship, all else has followed.

In reflecting on what this process has meant to me, I am reminded of my family and friends. I am humbled and indebted to Alexandra Kinge and Jesse Carlson, each of whom, in their own way, reminded me at critical times that I too would finish.

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For Rob and Graeme and in loving memory of Jo.
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<tbody>
<tr>
<td>ATA</td>
<td>Anti Terrorism Act</td>
</tr>
<tr>
<td>CBA</td>
<td>Canadian Bar Association</td>
</tr>
<tr>
<td>CCRC</td>
<td>Canadian Children’s Rights Council</td>
</tr>
<tr>
<td>CRC</td>
<td>United Nations Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CDFAI</td>
<td>Canadian Defence and Foreign Affairs Institute</td>
</tr>
<tr>
<td>CITF</td>
<td>Criminal Investigation Task Force</td>
</tr>
<tr>
<td>DFAIT</td>
<td>Canada Foreign Affairs Department</td>
</tr>
<tr>
<td>HDR</td>
<td>Human Development Report</td>
</tr>
<tr>
<td>HS</td>
<td>Human Security Discourse</td>
</tr>
<tr>
<td>IRTPA</td>
<td>Intelligence Reform and Terrorism Prevention Act</td>
</tr>
<tr>
<td>JDA</td>
<td>Juvenile Delinquents Act</td>
</tr>
<tr>
<td>PSA</td>
<td>Public Safety Discourse</td>
</tr>
<tr>
<td>PSA</td>
<td>Public Safety Act</td>
</tr>
<tr>
<td>SCC</td>
<td>Supreme Court of Canada</td>
</tr>
<tr>
<td>SPP</td>
<td>Security and Prosperity Partnership of North America</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
</tr>
<tr>
<td>YOA</td>
<td>Young Offenders Act</td>
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All societies produce strangers; but each kind of society produces its own kind of strangers, and creates them in its own inimitable way.

- Zygmunt Bauman (1997), *Postmodernity and its Discontents*
Chapter One: Introduction

It is an unfortunate reality that juveniles are too often the victims in military actions and that many groups and countries actively recruit and use them in armed conflicts and in terrorist activities… The department is concerned that a Canadian juvenile has been detained, and believes that this individual's age should be taken into account in determining treatment.

This is a security matter.

- Foreign Affairs Minister Bill Graham’s press release in response to the news of Omar Khadr’s capture (Thompson, A., 2002, September 6)

Our Government knows that there is no higher purpose for any government than to ensure the safety and security of its citizens… That is why we are taking steps to confront the ever evolving threat of jihadi terrorism by revoking citizenship of dual nationals who have been convicted of heinous crimes against Canada such as terrorism, espionage for foreign governments or taking up arms against Canada and our brave men and women in the Canadian Armed Forces.

*Our Government’s changes to the Citizenship Act will ensure that those who wish to do us harm will not be able to exploit their Canadian citizenship to endanger Canadians or our free and democratic way of life.*

- Chris Alexander, Canada’s Citizenship and Immigration Minister speaking on Bill C-24, ‘the Strengthening Canadian Citizenship Act’, nicknamed the ‘Omar Khadr bill’ (McQuigge, 2015, May 25)

1.1. Introduction

‘Security’ is a powerful political category around which political priorities are mobilized and the identities of communities and their core values are defined and contested (Wibben, 2008; Hoogensen and Rottem, 2005). Though the meaning of
security is ultimately vague, this ambiguity is instrumental for many who invoke it. As a discourse of strategic value, security situates successfully framed issues as security problems to be followed by extraordinary measures in response (Buzan et al., 1998). This present investigation engages with the political nature of security in order to open debate and provide illustration of the contested domain of security as it is presented within and between particular security narratives (Wibben, 2011: 65). As I demonstrate, the case of Omar Khadr highlights ‘the [discursive] dynamics by which some threats [and some people] as opposed to others come to be understood under the rubric of security and the significance of this naming as an act of construction’ (Fierke, 2007: 103-104). While security analysts typically focus on questions of ‘security from what?’ ‘security by whom?’ ‘security by what means?’, my research asks ‘security for whom?’ and ‘how is this determination effectuated’? (Wibben, 2008; Hoogensen and Rottem, 2005) Demonstrating the insights of new avenues of securitization theory research and the continued real-world relevance of the Omar Khadr case, my research looks to the constitutive role of security and national identity discourses and the role of constituent acquiescence in determining security realities within the context of a politically unsettled period in Canadian history, 2001 to 2005.

1.2 The Case in Brief

On July 27 2002, a fifteen-year old Scarborough, Ontario-born Canadian citizen, Omar Khadr, was taken into U.S. military custody following a fierce firefight in Afghanistan. He was severely injured having been shot twice through the back and blinded by shrapnel in one eye. The Canadian public was informed of Omar’s capture on September 6 2002. Consistent with the Chrétien government’s vanguard commitment to a human security agenda, and its advocacy for child soldiers, the press release issued by Foreign Affairs Minister Bill Graham, implied that Omar’s age nominated him for child soldier status:
It is an unfortunate reality that juveniles are too often the victims in military actions and that many groups and countries actively recruit and use them in armed conflicts and in terrorist activities. Canada is working hard to eliminate these practices, but child soldiers still exist, in Afghanistan, and in other parts of the world. The department is concerned that a Canadian juvenile has been detained, and believes that this individual's age should be taken into account in determining treatment (Thompson, A., September 6, 2002).

On September 30, 2002, Omar Khadr, now sixteen, was transferred to the U.S. detention site in Guantanamo Bay, Cuba and was not provided special considerations as afforded those with juvenile status (Dore, 2007-2008). Accused of throwing a grenade that killed a U.S. soldier, Sgt. Christopher Speer, Omar was incarcerated with the adult population for the duration of his decade long imprisonment.

Despite Canada’s initial public advocacy for their Canadian juvenile (Thompson, A., September 6, 2002) this support was restrained following Omar’s transfer to Guantanamo Bay. Under the direction of the Foreign Affairs Department’s legal advisor, Colleen Swords, the Canadian government was counseled explicitly to ‘claw back on the fact that [Omar Khadr] is a minor’ in its statements to the press and refrain from criticizing the Bush administration for holding a minor (Swords as quoted in Shephard, 2008, 117).

Still unable to receive formal consular visits until 2004, the U.S. government permitted the Canadian government in February 2003 to send a CSIS agent and a Canadian Foreign Affairs intelligence officer to Guantanamo on a ‘welfare visit’ to interrogate and gather intelligence from Omar. As the son of an alleged al-Qaeda leader and financier, Ahmed Said Khadr, Omar Khadr was considered of ‘high intelligence value’ (Department of Defense, Joint Task Force Guantanamo, Guantanamo Bay, Cuba, 2004, January 24).

Prior to this first visit from Canadian intelligence officials, Omar was subject to the ‘frequent flyer program’, a method of sleep deprivation consisting of moving a detainee from cell to cell every three hours for twenty-one days in order to ‘make him more amenable and willing to talk’ (Davidson, 2014: 254). Between 2003 and 2004,
Canadian officials interrogated Omar on six different occasions, each time without legal council. These actions of the Canadian government were later found to be in violation of Omar’s Charter rights by the Supreme Court of Canada (Prime Minister vs. Omar Khadr, 2010).

Under the watch of three Canadian Prime Ministers (two Liberal and one Conservative) and two U.S. presidents (one Republican and one Democratic), and following years of legal challenges and proceedings both in the United States and in Canada, Omar Khadr was tried under the United States Military Commissions Act of 2009 by a Guantanamo military commissions tribunal and convicted of five charges including murder in violation of war, providing material support for terrorism, and spying. When asked why the Canadian government was not advocating for Omar to be treated as a child soldier or immediately returned to Canada, the government routinely responded with tightly scripted deflections. However, in January 2009, taking a position in stark contrast to his predecessors but aligned with the U.S. military prosecutors, the newly elected Prime Minister Stephen Harper argued that Khadr did not qualify for child soldier protections: ‘My understanding of international law is, to be a child soldier, you have to be in an army’ (Tibbets, 2009, January 23).

In October 2010, as part of a plea agreement, Omar Khadr plead guilty to all five charges filed against him. Though the military sentencing jury recommended that he serve 40 years in incarceration, on October 31 2010, in accordance with the plea agreement, Omar was sentenced to eight years in custody with the understanding that he must serve another year in Guantanamo Bay before being returned to Canada to complete his sentence. He was to be eligible to return to Canada in the fall of 2011. After a year of legal administrative holdups and diplomatic ‘foot dragging’ (Hamlin, 2012, July 19), Omar’s return to Canada was delayed until September 29, 2012 where he was immediately placed in a high-security prison in Ontario. Minister of Public Safety Vic Toewes, informed the Canadian public of his return: ‘Early this morning, convicted
terrorist Omar Khadr was transferred to Canadian authorities. Omar Khadr is a known supporter of the Al-Qaeda terrorist network and a convicted terrorist’ (The Canadian Press, 2012, September 29).

1.3 The Study in Context

It has been argued that the politics of citizenship in Canada and the meaning of being Canadian has changed significantly since September 11 2001 (Anderson, 2008) as access to the rights of citizenship became increasingly subject to national security concerns, and discussions around citizenship, human rights, and national-belonging became embedded in the ‘new realities’ of the politics of global insecurity and terrorism (Muller, 2004; also in Roach 2005; Larson and Piche, 2009). Through the lens of conventional theories of political neo/realism and liberalism, security is inextricably tied to the state. As the central a priori figure of analysis, the state is taken as self-evident with its survival dependent upon its capacity to evaluate and respond to objective conditions of its security and insecurity.

While the provision of security and protection to its citizens is one way in which sovereign states have historically claimed legitimacy (Nyers, 2004: 204), critical security analysts point to security at the level of the individual and how governance of a nation’s security underscores the state’s inherently paradoxical relationship to its citizens. Just as the state may signify the legal and institutional structures that delimit a certain territory and provide and enforce the obligations and prerogatives of citizenship, the state can equally serve to expel and suspend modes of legal protection and obligation for some (Butler and Spivak, 2007).

Hence, citizenship is not an end product, or simply a designation, but as Rob Walker (2002) suggests, citizenship ‘is one of our major practices of drawing lines, of

1 It is important here to add that my research project does not treat 9-11 as a full-spectrum break in Canadian history in which everything changed, nor as ‘a confirmation of the formal sameness of sovereignty, security and modern politics’ (Neal, 2006: 36). Rather it attends to both ‘what appears new and what appears the same’ in Canadian policy and identity (Neal, 2006).
including and excluding those who are or are not political agents in a political community' (Walker, 2001: 20). Such practices evoked in the name of national security - such as the re-casting of border security systems, anti-terrorism and surveillance laws, and immigration procedures and detention - can serve to create severe constraints for the enactment of not only citizenship practices, but human rights more broadly (Webb, 2011; Mendes, 2009; Anderson, 2008). As Judith Butler (2007) put it, ‘The state can put us, some of us, in quite a state’ (Butler and Spivak, 2007: 3-4). But who are the ‘some of us’ and under what conditions is the political community receptive and complicit in the nomination of what Butler (2007) calls a ‘jettisoned subject’, the threatening citizen who finds him/herself in a ‘state imposed state of finding oneself stateless’ (Butler and Spivak, 2007: 4).

Of the many exceptional characteristics of the Omar Khadr case, three are particularly significant within the literature: 1. Omar Khadr was the youngest prisoner to be held in Guantanamo, 2. He was the last Western citizen to be repatriated to his home country, and 3. He was the first person since World War II to be prosecuted in a military commission for war crimes committed while still a minor (Koring, 2009). As this research will show, in early years following the events of 9/11, the case of Omar Khadr serves to illustrate the ways in which Canada and Canadians shaped and were shaped by the politics of denying protection to the ‘jettisoned subject’ (Butler and Spivak, 2007).

1.4 Objectives and Goal

Adopting a securitization theory framework for analysis, and situating this research within a Canadian context, the primary objectives of my research project are:

---

2 Here, Butler has explicitly in mind the political refugee, the West Bank resident, and those individuals, like Omar Khadr, held in military detention centres like Guantanamo Bay and Abu Ghraib by the United States.
First, to examine the changing discursive and institutional processes within and through which Omar Khadr came to be constructed, and reconstructed, as a ‘security matter’; Second, to identify the social and political implications of such a designation; and Third, to trace the relationships between those who ‘securitized’ him, those who challenged them, and the audiences that accepted, rejected or co-constituted them. The broader goal of my research is to explore new avenues of inquiry within securitization theory - including failed securitizations, age as a referent object, non-action as a securitizing move, desecuritization through constitutional limits, securitization at the level of the individual, and audience acquiescence – and to assess its potentials and limitations as it relates to who can 'do' or 'speak' security successfully, on what issues, under what conditions, and with what effect (Krause and Williams, 1996: 243).

1.5 Research Questions

In order to develop a constitutive account of the case of Omar Khadr that uncovers the practices which enter recursively in the construction of his securitization (as both threat and threatened), and respects the dual influence of securitizing actor/s and their audiences in the co-constitution of security realities as a social practice of inclusion and exclusion, my guiding research questions are: *What enabled Omar Khadr to become a ‘jettisoned’ citizen of Canada? How does this understanding contribute to the securitization debate over positive vs. negative security and the efficacy of individual vs. national/collective securitizations?*

To answer this question, I posit other sub-questions to guide my analysis:

1. What was the language of Canada’s foreign policy responses to Omar’s capture and detention? How did this position change over the early years of his imprisonment, 2002-2005? What conditions were implicated directly/ indirectly in influencing these changes?

2. To what degree were these security responses in/consistent with Canada’s own domestic security policies and practices? How was ‘Canadian-ness’ implicated in/directly in these constructions?

3. What was the Canadian public’s response to the governments’ responses? Did they change over time? If so, under what conditions? To what end?

4. Which securitizing actors were some able to ‘speak’ security successfully and which were not? Under what conditions and to which audiences were they spoken? To what effect?


1.6 Theoretical Framework

Though the Copenhagen School first introduced their conception of ‘securitization’ to the study of security in 1986, it has only been in the years following the events of September 11 2001 that the theory has gained considerable momentum and traction (Gad and Peterson, 2011). And as Matt Mcdonald (2008) explains, the securitization framework has been extremely useful in ‘capturing the importance of discursive interventions in positioning issues as security threats, particularly in the post-11 September 2001 context, and the designation of threat by political leaders in Western liberal democracies’ (Mcdonald, 2008: 581).

The logic of securitization as originally presented by Buzan et al. (1986) consists of a political communication act whereby securitizing agents (i.e. typically elite political actors), through the articulation of a security ‘speech act’, identify a particular issue to be an existential threat to the state or nation (i.e. collective identity). This securitizing move in turn ‘enables emergency measures and the suspension of “normal politics” in dealing with that issue’ (Mcdonald, 2008: 567). Here, the performative force of the ‘threat text’, its ‘insurrecting potential to break the ordinary’, and its capacity to lift an issue above
political recourse, lies in the way it establishes meaning that is not symptomatic of a particular context: On the contrary ‘(i)t reworks or produces a context by the performative success of the act’ (Buzan et al., 1998: 46).

For proponents of this constructionist approach to security, it is the work of the security analyst not to identify objective threats out in the world, but to ‘understand the process of constructing a shared understanding of what is to be considered and collectively responded to as a threat’ (Buzan et al. 1998: 26, emphasis in original). As introduced by the Copenhagen School, securitizing moves are situated as the product of elite political decision-making, but they are nonetheless enacted in coordination with the acquiesce, consenting and/or supportive audience (Mcdonald, 2008) situated within particular ‘facilitating conditions’ (Buzan et al., 1998: 25). These ‘external’ elements of the securitization process (the audience and context/conditions) have been indirectly acknowledged by the Copenhagen School but, as many have observed, has been largely left underdeveloped within the theory.

Finding the ‘internalist’ logic of securitization speech acts too narrow and limiting to deal with real-world securitizations (Stritzel, 2007; Mcdonald 2008), many contemporary scholars of securitization look to how security speech acts and securitizing actors are ‘embedded in broader social and linguistic structures’ (Stritzel, 2007: 367). Following an ‘unfaithful’ (Waever, 2000) approach to the Copenhagen School program that looks beyond the illocutionary force of speech-acts, ‘securitization studies’ (Taureck, 2006) or ‘securitization theory’ (Balzacq, 2011) seeks to understand ‘how security issues emerge, evolve and dissolve’ (Balzacq, 2011: xiv). This ‘externalist’ approach fleshes out the relationships between securitizing agents and their audiences (Balzacq, 2008, 2011; Saltzer, 2011; Mcdonald, 2008; Roe, 2008) and looks to the implications of security as a communication event: as a contextual, social, and always political achievement.
As a means of responding to the research questions listed above, my research follows the insights of Holer Stritzel’s (2007) securitization framework as it combines socio-linguistic concerns (i.e. how securitizing actors speak ‘to and from a broader linguistic context by framing their argument in terms of the distinct linguistic reservoir available at a particular point in time’) with socio-political contexts (i.e. the ‘more sedimented social and political structures that put some actors in positions of power to influence the process of constructing meaning’) (Stritzel, 2007: 369). This empirical framework provides the means by which to analyze various securitizing moves and their contexts across three interrelated terrains: 1. The performative force of the articulation of threat texts, 2. Their embeddedness in existing discourses, and 3. The positional power of securitizing actors who influenced the process of defining meaning (Stritzel, 2007: 370).

1.7 Methodology

Congruent with the theoretical assumptions presented above, my research enacts an interpretive discourse analysis. As Buzan et al. (1998) themselves argue, the way to study securitization is to study discourse (Buzan, Wæver & de Wilde, 1998: 25). But what precisely is meant by ‘discourse’ or ‘discourse analysis’ is far from self-evident (Fierke, 1998; Milliken, 1999; Laffey and Weldes, 2004; Hansen, 2006; Balzacq, 2008, 2011). A point of convergence within the diverse field of securitization studies is the recognition that discourse analysis encourages novelty and innovation as it attempts to ‘problematize security practices and processes… by analyzing the processes and conditions through which in/securities are made politically significant’ (Aradau et al, 2015: 9). Fundamental to this approach is to examine within discourses the way that ‘already existing cultural codes’ (Barthes, 1957), i.e. principles, beliefs, values, and identities, are invoked, transformed, and become the conditions for claims to be utilized, silenced, accepted, or denied.

My approach to discourse analysis is inspired by Lene Hansen’s (2006) methodological framework, Ruth Wodak and Michael Meyer’s (2009) critical discourse-
historical approach, and the sociological frames adopted by Theirry Balzacq’s (2005, 2008, 2012), Holer Stritzel’s (2007) and Roe’s (2008). While this relationship will be detailed in Chapter Five, for now it is enough to say that these methods argue for the importance of contextualizing discursive events before their broader social and political horizons. Though not a faithful following of any one program, I find these authors’ work extremely useful as each is compatible with broad-text based discourse analysis and each focuses on the role of context as a means of understanding discourse. These considerations are not only aligned with my theoretical interest but are compatible with studies in securitization theory as well.

Within this study, discourses are conceived as resources and practices: working attitudes, modes of address, imagery, gestures and assemblages of ideas, concepts, and categories that systematically form the objects and subjects of which they speak (Holstein and Gubrium 2005: 490, Foucault 1972: 48). Discourses not only frame and form an object in a certain way; they delimit the possibilities for action in relation to them (Epstein 2008: 2). But this is not to imply that discourses are closed understandings with fixed meanings and operations. On the contrary they are open, interpreted, social, adaptable, and transformable. Discourses do not fit a sender-receiver model of communication, they are not a unidirectional phenomenon, rather there is ‘a dialectical relationship between particular discursive practices and the specific field of action (including situations, institutional frames and social structures), in which they are embedded (Wodak, 2011: 65).

In this research I have adopted a single-case study approach, which is characterized by its capacity to provide an in-depth examination of a real-life phenomenon (Ying, 2009). Though limited in its ability to make generalizations, the purpose of this approach is ‘not to search for prediction within the context of determinate, transhistorical, and generalizable causal claims but rather contextual understanding and practical knowledge’ (Krause and Williams, 1996: 243). For this reason, as Theirry
Balzacq (2012) too suggests, the case study is particularly suited to the study of security in that its analysis can capture the constructive nature of security, the centrality of the audience, the co-dependency of agency and context, and the structuring force of social and political practices (Balzacq, 2011).

The research design I adopt (see Figure 5.1) is largely informed by Lene Hansen (2006) and is outlined in her seminal contribution: *Security as Practice: Discourse Analysis and the Bosnian War*. Emphasizing the need for a ‘detailed knowledge of the case’, I adopt a research model (i.e. Model 3b in Hansen 2006: 56) that looks to the relationship between official discourse, the wider political debate, and academic analysis. I am limiting my analysis to the Canadian context and to the period of time 2002 to 2005 (and relevant preceding discourses), which encapsulates the early years of Omar’s capture under the Liberal Governments of Jean Chrétien and Paul Martin. By limiting my research to this period I am able to attend to the subtle changes in Canada’s security regime and national identity as both the government and Canadian public actively negotiated Omar Khadr identity as a threatened citizen and/or citizen’s Other.

Discourses are realized in texts. Texts here refer to the ‘materially durable products of linguistic action’ such as transcripts, photographs, articles, media, documents, and video (Wodak, 2011: 66). The corpus of texts on Omar Khadr between 2002 to 2005 is substantial but manageable. In order to follow the official government discourses on Omar (i.e. the basic discourses and political rhetorical strategies being deployed by a range of actors) and to situate these discourses within broader socio-linguistic and socio-political contexts, I examine a wide range of primary texts across genres including parliamentary sessions that mention ‘Omar Khadr’, government reports (including those pertaining to public inquiry into ‘the Case of Omar Khadr’, 2008); and the SIRC Study, 2008-05; ‘CSIS’s Role in the Matter of Omar Khadr’, 2009), and a range of monographs on Canadian politics and policy during this period. My examination of print media began with a broad review of all references to Omar Khadr between 2002 and 2012 as it
appeared in three Canadian newspapers: *The Globe and Mail*, *The National Post*, and the *Toronto Star*. As I detail in Chapter Five, I initially reviewed more than 2,200 newspaper articles relating to the case of Omar Khadr between the years of 2002 and 2012 in order to have a broad understanding of the case and its evolution before the Canadian public. I used this information to identify core or ‘basic’ discourses of the case - a process detailed in Chapter Five - which helped guide my research. I then narrowed the analytical scope of my project to the immediate years following 9/11 and the first years of Omar’s detention, 2002 to 2005. This limited the number of articles for the next stage of analysis to 345 articles (See Figure 1).

The three Canadian papers were chosen because they include Canada’s two national newspapers (*The Globe and Mail* and *The National Post*), Canada’s two most read papers (*Toronto Star* and *The Globe and Mail*), and content wise, they purportedly represent the Canadian political spectrum with the *Toronto Star* on the Liberal left, *The National Post* on the Conservative right and *The Globe and Mail* more centrally positioned. These papers were chosen to represent the broadest political range of discursive representation as distributed to the widest Canadian readership. These selections include journalistic reporting, as well as editorials and letters to the editor. *Factiva* searches were used to find articles that reference ‘Omar Khadr’ within. These selections include the genres of journalistic reporting, as well as editorials and letters-to-the-editor. Additionally, referenced articles from popular Canadian and global magazines (e.g. *Macleans* and *The Economist*) were also included, as is material from three monographs written on the subject of Omar Khadr: Michelle Shephard’s *Guantanamo’s Child* (2008), Ezra Levant’s *The Enemy Within: terror, lies and the whitewashing of Omar Khadr* (2011), and Janice Williamson’s anthology, *Omar Khadr, Oh Canada* (2012).

A significant limit to this research is that I examine only English sources and thus address only English narratives of the case and work with Anglophone articulations of
national identity. While this absence is significant and unfortunate, it is nonetheless necessary, as I do not speak or read French adequately to include such texts or perspectives.

While my analysis is primarily focused on the period of Omar Khadr’s capture and detention under Canada’s Liberal government (2002-2005) my presentation of research findings also reflects research into the historical context of central discourses and their interaction with emergent events, policy debates and their accompanying rhetoric. In terms of establishing context, I work to demonstrate that the institutionalization and discursive justifications for particular international and domestic policies introduced in Canada - including post-9/11 security changes, their impact on the language of citizenship and the invocation of juvenile justice and human rights - played a central and strategic role in the Canadian public’s receptivity to particular securitizing moves deployed at particular moments in the case as it unfolded.

1.8 Contributions

My research makes five significant contributions: First, this project demonstrates that ‘age’ as much as gender, race or religion adds a crucial layer to understanding how Omar Khadr’s identity as ‘threat’ was constructed, disseminated and accepted and how alternative discourses were ignored or treated as irrelevant due to Omar’s age. Subsequently, this research demonstrates that ‘age-identity’ is an overlooked but potentially integral component to in/security-making and a neglected territory of research in security studies. Future critical security scholarship would benefit from looking to age-identity and it’s capacity to elicit protections for some while nominating others for insecurity.

Second, the prominent literatures pertaining to the case of Omar Khadr reveal a wide range of concerns and conclusions but have not to date been substantively examined through a securitization theory framework or with the explicit concern for the implications of positive vs. negative securitizations and individual vs. collective security
as this research does. This analysis thus offers new frames of understanding the Omar Khadr case and changing narratives of ‘being Canadian’ following 9/11.

Third, while the Copenhagen’s School’s conception of securitization focuses on discursive security claims brought by authoritative political actors, and the exceptional responses that those claims- when accepted - facilitate the institutionalization of exceptional security policies in the name of public safety, in the case of Omar Khadr, one finds that securitizing moves also enable exceptional enactments of ‘non-action’. A significant contribution of this research is that it suggests that government non-action, which breaks the norms of expectation, can constitute a securitizing move.

Fourth, though the classic securitization framework is helpful in capturing the importance of discursive interventions in positioning issues as security threats, it is less effective in addressing the broader context of these interventions. As this research demonstrates, addressing the embeddedness of security discourses within socio-linguistic and socio-political contexts is important for understanding how particular representations of threat resonate with particular communities.

And fifth, over the years of the Harper government, the divide in public opinion over the case of Omar Khadr was typically articulated - by the media and academic literature - as an issue being played out through bipartisan debate. My research, in contrast, recontextualizes narratives concerning Omar’s case by returning the focus to the pivotal but relatively quiet debates emerging between 2001 and 2005. As I demonstrate, in the early years of Omar’s detention, the divide in public opinion was articulated not as a symptom of partisan politics - both the liberal and conservative parties avoided showing support for Omar and neither effectively advocated for his return after his transfer to Guantanamo Bay - but rather an emerging conflict between Canada’s national identity and claims to the meaning and value of citizenship and being Canadian. This was reflected in on-going domestic policy debates relating to changes in Canada’s security
policies, but in the case of Omar Khadr, also intersected with the public’s comportment to changes in juvenile justice legislation and debates over the nature of childhood.

1.9 Chapter Breakdown

Situating the Omar Khadr case within the context of security discourses, Chapter Two illuminates the politics of security and its relationship to the state and its citizens through the Copenhagen School’s theoretical conception of ‘securitization’, which treats security as a kind of communication event. Finding a sociological or ‘externalist’ approach to the study of securitization more helpful than ones focused primarily on speech acts, I outline the insights of ‘securitization studies’ (Taureck, 2006) or ‘securitization theory’ (Balzacq, 2011) which work to flesh out the relationships between securitizing agents and their audiences by exploring the social, political and historical contexts in which particular discourses of security render the audience more or less sensitive to its ‘vulnerability’ (Balzacq, 2008; 2011; Saltzer, 2011; Mcdonald, 2008).

In Chapter Three I begin to locate the language and designation of a ‘jettisoned’ subject by introducing the theoretical stakes of conceptualizing security at the level of the state and at the level of the individual. The assumption that the state’s relationship to its citizens is inherently a paradoxical one is investigated through the question: Is security a pact or a racket? Positing statelessness as the ultimate negation of citizenship through Judith Butler’s conception of the ‘jettisoned subject’ and Audrey Macklin’s ‘the Citizen’s Other, this chapter moves to locate the case of Omar Khadr among other Canadian citizens detained abroad, in order to draw attention to the relationship between the public’s determinations of belonging and/or exclusion and its impact on diplomatic advocacy.

Chapter Four presents a ‘story’ of the first four years of Omar’s detention in Bagram, Afghanistan and Guantanamo Bay, Cuba. Recognizing that narratives are necessarily political in the sense that they construct knowledge through processes of interpretation, representation and privileging, the chronology and character of events
presented are included according to a criterion of their being identified as significant within and between examined texts (i.e. newspaper reports, parliamentary debates, court documents, and advocacy reports).

Chapter Five begins by presenting my research goals and objectives and explaining the utility and limits of adopting a case study approach. I then outline the methodological stakes of discourse analysis and its compatibility with securitization theory research. Combining key concerns and definitions of Ruth Wodak et al.’s (1990) Discourse-Historical Approach (DHA) with Lena Hansen (2006) research design for discourse analysis, I introduce my method and rationale for text selection, and outline the specific techniques I adopt at each stage of analysis.

In Chapter Six I outline two guiding ‘basic discourses’ (Human Security Discourse and Public Safety Discourse) of the case and follow these main points of contestation within the shifting and evolving public debates over Omar Khadr and his need for protection or expulsion. This research foregrounds through seven examples of securitization, the structuring force and rhetorical potency enacted by these identity discursive lenses in the practice of securitizations at both the level of the individual and the state. I present each of the seven identified securitizations in two stages: the stage of identification and the stage of mobilization. Contextualizing these securitizing moves in relation to relevant events, I detail the interplay between 1. The performative force of the articulation of threat texts, 2. Their embeddedness in basic, transforming and emerging discourses and contexts, and 3. The positional power of securitizing actors who influenced the process of defining meaning (Stritzel, 2007: 370).

In Chapter Seven, I further advance the significance of my findings by interpreting their implication within and through securitization theory. To begin, I respond to my first research question and speak to the significance of each of the seven securitizations and their contribution to the working-up of Omar Khadr as a security problem worthy of jettisonship. I then respond to my second research question, which
asks what do these securitizations tell us about the nature, possibility, and efficacy of individual vs. collective securitizations, and positive vs. negative securitizations. In particular, I address how the government’s designation - and removal - of Omar’s ‘child soldier’ status points to critical insights pertaining to age-identity and individual securitizations both at the level of every-day practice and as a subject of study.
Chapter Two: Security as Discourse and Securitization Theory

“Security” is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics.


2.1 Introduction

Taking the Canadian Liberal government’s 2002 claim seriously that the issue of Omar Khadr was a ‘security matter’ (Bill Graham as quoted in Thompson, A., 2002, September 6), this thesis begins by asking what does it mean for a state to deem something or someone a security problem? Locating the question of security within the field of international relations and security studies, my research looks to constructionist theories that posit security as inherently political in nature. In the discussion that follows I explain my decision to adopt Securitization Theory as the theoretical frame for the study of the case of Omar Khadr and the strengths and limits of this approach. To begin, I introduce the Copenhagen School’s constructionist conception of security analysis, its emphasis on security ‘speech acts’ and its significance to the field of security studies. I then present how new explorations in the field of Securitization Theory (i.e. security sectors, identity, the concept of ‘human security’, the role of the media, frame theory, the potential for failed securitizations and constitutional checks) have expanded the theoretical program of analysis to referent objects beyond the state. These new territories of concern include social and political contexts and the critical role of the audience – in particular, the public or constituency - in both the production and success of securitizations. Finally, I describe my own research as a creative application of the insights gleaned from security theorists Lene Hansen, Theirry Balzacq, Holger Stritzel, and Paul Roe, and locate the case of Omar Khadr as an opportunity to study confrontations between ‘negative’ securitizations, i.e. state articulated threat construction
and ‘positive’ securitizations, i.e. bottom-up processes of defining threats and in/security at the level of the individual. As will be demonstrated, the adoption of a securitization theory lens points to relevant key social, historical and political discourses contributing to and challenging Omar Khadr’s nomination for ‘jettisonship’. It also leads me to locate his expulsion from Canadian protections and belonging as an emergent phenomenon articulated through discourses of Canadian national identity and imposed by both the Canadian state and an acquiescing citizenry. The tracing of these discourses, and processes of threat construction and identity contestation, present in relief an evolving security dynamic inherent to ideations of citizenship and what it means to be Canadian during a time of national and global insecurity.

2.2 What is Security?

Security is not self-referential; it is a derivative concept (Booth, 2005). Thus to speak of security requires the identification of something or someone in need of protection. Within the traditional neo/realist literature on international politics, security is conceived in relation to military threats and the protection of national security. As Stephan Walt (1991) explains, strategic studies is:

> the study of the threat, use and control of military force...the conditions that make the use of force more likely, the way that the use of force affects individuals, states and societies and the specific policies that the states adopt in order to prepare, prevent and engage in war (Walt 1991: 212).

Such perspectives emphasize the objective identification of threat and the defense response as determined by a neutral analyst. For scholars in the constructivist tradition, on the other hand, the primary concern of analysis is not what security is but rather the discursive processes through which security relationships are constituted. Here processes of defining are understood to be synonymous with processes of naming and identity, with the meaning of security intrinsically tied to historically specific forms of political community (Walker, 1990: 5). National identity is thus plotted through a multitude of international and domestic commitments and identifications that ‘provide the structures
and horizons by which individuals, groups, societies, polities … determine what is good, what should and should not be, what one associates with or opposes’ (Sommers in Guillaume, 2007: 749).

At best, security can be understood as fundamentally ‘an ambiguous symbol’ (Wolfers, 1952). Though the meaning of the term security may appear in every-day use as a self-evident notion relating to an identified threat and/or freedom from it, ‘the precise definition of what it means to be secure, the causes of insecurity, and who or what the concept of security should apply to, have long been debated’ (Peoples and Vaughn-Williams, 2015: 2). Part of this confusion lies in the double connotation of the concept (Booth, 2005).

On the one hand, the concept of security denotes an objective state, i.e. being safe, as well as a subjective one, i.e. feeling safe, and reflects the use of the word security in both negative and positive terms. Negative security is made manifest in the neo/realist designation of security as a property of the state that must be secured from threat if the political community is to survive, while a critical or feminist positing of positive security refers to a quality of the security relationship produced between the individual and others, a relationship epitomized in a nurturing mother/child relationship (McSweeney, 1999). The apparent incompatibility of these security understandings brings to the fore a central concern of the contemporary security studies debate: for whom is security for, and who is, should be, or can be empowered to enact it?

To recognize the complexity of defining security is to understand that ‘to constitute something as a matter of security is to make a political intervention’ (Hansen: 2011, 53). While for some the determination of a referent object of security is a certainty - a calculated identification of threat, of risk and insecurity - for others, it is a societal determinations of what is and is not valued enough to protect (a way of life, a people, physical safety, the environment, civil liberties) (Fierke, 2009: 15). Subsequently the designation of security - in either its positive or negative form - implies hotly contested
political relationships at the very heart of determinations of in/security (Fierke, 2009).

2.3 The Copenhagen School: Securitization

Nicknamed for its association with the Centre for Peace and Conflict Research, the Copenhagen School’s significant and innovative contribution to the field of security studies is grounded in its conception and development of ‘securitization.’ A culmination of work by its founding scholars, its seminal text, *Security: A New Framework for Analysis* (1998), combines Ole Waever’s early iteration of securitization and its incorporation of John L. Austin’s conception of the illocutionary ‘speech act’ (Waever 1995) and Barry Buzan’s work in broadening the scope of security analysis beyond military affairs and the survival of the state (Buzan, 1983). Situating themselves as cautious proponents of the widening of the security agenda, the Copenhagen School brought forth both a concern regarding the deepening of the security agenda as it pertains to referent objects below the level of state actors, and unwittingly, the theoretical potential to address them. While in principle, the scholars of the Copenhagen School acknowledge that anything or anyone can be securitized, they nonetheless fear that an uninhibited expansion of the concept of security would nullify its efficacy as an analytic tool. Thus it is of central concern for Buzan et al. (1998) to address not only ‘What *is* and what *is not* a security issue?’ but ‘What *should* and *should not* be a security issue?’ The answer, they argue, is to be found in the structure of securitizations themselves.

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4 Though both security in the positive (i.e. relationship-centred) and negative (i.e. state-centred) is introduced here, it is important to note that neo/realism and neo-liberalism hold considerable sway in policy-making and state-craft, both historically and today (Booth, 2005; Buzan and Hansen, 2009).

5 The Copenhagen School was coined by one of their earliest critics, Bill McSweeny (1999,) in *Identity and Interests*, Cambridge, GB: Cambridge University Press.

6 Though critics abound, the significant contribution made by the Copenhagen School within the study of security is undisputed. As Huysmans put it, securitization is ‘‘[a]mong the most prominent and influential’’ approaches to the widening agenda in Security Studies (Huysmans 1998: 480; Williams 2003: 511).

7 It is important to recognize that the Copenhagen School represents a number of different scholars who present subtle differences in the scope and stakes of the securitization framework depending on differences in intellectual interests, collaborations, stages of conceptual development (McDonald, 2008). While the following discussion does not intend to flesh out all of these subtleties, those most relevant to my own research will be addressed.
2.3.1. Security as Speech Act.

As conceived by the Copenhagen School, securitization refers to a successful speech act, ‘through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat’ (Buzan and Waever, 2003: 491). Security is still here fundamentally about survival. But unlike neo/realist approaches to threat identification and response, for Buzan et al. (1998) security is not an objective condition being identified, it is the outcome of a specific discursive process. To explore this further it is necessary to examine the performative and formal constructivist underpinnings of the Copenhagen School, i.e. that security issues are constructed through successful security speech acts.

As Waever explains:

What then is security? With the help of language theory, we can regard ‘‘security’’ as a speech act. In this usage, security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering ‘‘security’’ a state- representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it.’ (Waever, 1995: 55).

The founding assumption of Waever’s original application of John L. Austin’s ‘speech act theory’ is that the speaking of security constitutes a new reality outside of normal politics:

In security discourse, an issue is dramatized and presented as an issue of supreme priority; thus, by labeling it as security, an agent claims a need for and a right to treat it by extraordinary means. For the analyst to grasp this act, the task is not to address some objective threats that ‘really’ endanger some object to be defended or secured; rather, it is to understand the process of constructing a shared understanding of what is to be considered and collectively responded to as a threat (Buzan et al., 1998: 26, emphasis in original).

This decisive move, captured by Ole Wæver’s concept of securitization, permits not only a possible expansion of the concept of security, but situates the definition of security realities as dependent on their successful construction in discourse, a product of the ‘special nature of security threats that allows securitizing actors to justify the use of
extraordinary measures to handle them’ (Buzan et al., 1998: 21). The enactment of prerogative or executive powers by governments in the name of national security is a familiar example of this framework in action.¹

Shifting security studies’ conceptual focus from a neo/realist concern for the truth of a threat, i.e. the ‘threat-reality nexus’, to a concern for what a speech act does, i.e. what results from a security utterance (Stritzel, 2007: 361), Waever’s securitization framework takes the neo/realist’s understanding of the security agenda as a separate field of statecraft, and recasts it as a rhetorical claim marked by a grammar of security which, when successful, produces a security issue as a particular field of exceptionality (Stritzel, 2007: 360-361). Thus the Copenhagen School’s objective is not to denaturalize existing discourses of the state, as a critical security studies approach might, but rather ‘highlights the dynamics by which some threats as opposed to others come to be understood under the rubric of security and the significance of this naming as an act of construction’ (Fierke, 2007: 103-104).

For the Copenhagen School, the two principle units of analysis within a speech act approach to security are referent objects and securitizing agents where referent objects are the ‘things that are seen to be existentially threatened and have a legitimate claim to survival’, and securitizing agents are the ‘actors who securitize issues by declaring something - a referent object – existentially threatened’ (Buzan et al., 1998: 35). In the contemporary international system the standard unit of security, both the primary referent object and agent of security, is the sovereign territorial state (Buzan

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¹ A particularly salient Canadian example of this discretionary power was in the case of Omar Khadr’s brother, Abdurahman, who after being released from Guantanamo Bay by the Americans was left in Afghanistan by the U.S. and denied a passport by the Canadian government to return to Canada in 2004. While the decision to grant or withhold a passport is usually made by the Passport Office, in Abdurahman’s case, the Canadian government used a ‘special privilege’ to reject Mr. Khadr's application citing that it was ‘in the interests of the national security of Canada and the protection of Canadian troops in Afghanistan.’ As his lawyer, Clayton Ruby argued, ‘Never before in Canadian history has anyone ever been refused a passport on national security grounds.’ A subsequent court battle determined that this move violated Abdurahman’s civil rights. Abdurahman was provided a passport and was permitted to return to Canada in 2005 (Petter, 2005, December 6).
But the nature of a speech act necessitates that not just any actor can produce a security-situation, rather there is a critical external, contextual component which allows the speaker to hold a position from which the act can be made: ‘The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked’ (Buzan 1998: 32). This inter-subjective component of speech acts suggests that they are treated as securitizing moves that can only become securitizations through audience acquiescence or the consent or support of particular constituencies (McDonald, 2008: 566). The role of the audience will be explained further below.

The significance of security as a discursive construct is that the constitution of referent objects, that which is deemed threatened, does not exist ‘independently of discursive articulation’, rather ‘it is through discourse that security is defined’ (Hansen, 2000: 288). Simply, a securitizing agent is one who has successfully securitized an object as threatened and the precise ‘definition and criteria of securitization is constituted’ not by context but by ‘the intersubjective establishment of an existential threat with a saliency sufficient to have substantial political effects’ (Buzan et al., 1998: 25).

As Buzan et al. explain it, modes of security can be understood as falling along a spectrum of positions with nonpoliticized issues on one side, where an issue is not a political issue, securitized issues on the other side, where an issue is thought of as an existential threat and justifying responses that go beyond normal political practices, and politicized issues in the middle, where an issue is situated within public debate. For Buzan et al. the question is how does an issue move from being one of political consideration to being securitized?

The distinguishing feature of securitization is a specific rhetorical structure. That quality is the staging of existential issues in politics to lift them above politics. In security discourse, an issue is dramatized and presented as an issue of supreme priority; thus by labeling it as security an agent claims a need for and a right to treat it by extraordinary means (Buzan et al., 1998: 26, emphasis added).
In Ole Waever’s early discussion of securitization in ‘Security the Speech Act’ (1989), speech acts are understood as productive of security, ‘performatives’ (see Austin, 1962) which do not simply describe things as they really are, but create new threat realities through the act of their being designated as such: ‘By saying the words, something is done’ (Buzan et al., 1998: 26).

The practice of reconstituting an issue into one that is no longer an existential threat is the process of desecuritization. For Waever the stakes of securitization and desecuritization are exemplified in Cold War relations where exchanges between East and West necessitated ‘trying to bring about change without generating “securitizations” responses from elites, which in turn would have provided the pretext for acting against those who had overstepped the boundaries of the permitted.’ (Waever, 1995: 6). The means by which the ‘dynamics of mutual provocation and securitization’ can be mitigated and curtailed, Waever argues, hinges upon a process of ‘less security, more politics!’(Waever, 1995: 7). For Buzan, Wæver & de Wilde (1998) ‘security should be seen as negative, as a failure to deal with issues as normal politics; desecuritization is the optimal long-range option’ (Buzan et al., 1998: 29). By returning the language-games between powers to the confines of ‘negotiated limitation’ (Buzan et al., 1989), securitizations can be returned to the realm of public debate, allowing extreme political escalations to be subverted. Securitizations are therefore not desirable but something to typically be avoided.

The productive force of a security utterance, however, is not based on determinations of it being true or false or solely on the content of the words being said, but rather in its being ‘felicitous’ or ‘infelicitous’ (Buzan et al., 1998). Security speech acts are successful or not depending on ‘felicity conditions’, i.e. whether the performative force of the security speech act is adequate to, in its effects, retroactively designate the securitizing actor to be the right person to designate the right referent object, at the right place and time (Stritzel, 2007: 361-2). As Buzan et al. introduce in Security: A New
Framework of Analysis (1998), the necessary ingredients for a successful securitization are: First, that the speech act follows the grammar of security, i.e. has the speech act script been followed? Second, that the social conditions regarding the position of authority for the securitizing agent are met, i.e. does the speaker have the social and political capital to be recognized as a security expert? And third, that features of the alleged threats either facilitate or impede securitization based on historical connotations of threat, violence, and/or entrenched adverse sentiments (Buzan et al., 1998: 33). Thus it is by ‘exploring the structure of discourse constitutive of threats…[that] we can show what makes securitization attractive and under what conditions’ (Lausten and Waever, 2000: 706). In short, the focus here is on the form of the act, position of speaker and historical resonance of particular threats (Waever, 2000: 252–253).

While Waever argues that the meaning and success of security utterances is not related to context (Waever, 2004: 11), the Copenhagen School’s introduction of a saliency factor that facilitates the success of a securitization move - also called ‘facilitating conditions’, ‘condition of endorsement’, or ‘felicity conditions’ - points to a discrepancy between the speech act proper, as a self referential illocutionary action, and a securitizing move which is open to failure if certain conditions are not met (Waever, 2000).

The critical security analyst, Waever argues, does not seem to take the issue of security seriously enough, believing that they can indiscriminately throw away or redefine security, not according to the history, logic and the practice of real world securitizations, but instead according 'to the wishes of the analyst' (Waever, 1995). As Waever argues, the analyst must be mindful of the ‘Clausewitz effect’, the recognition that the invocation of security invokes dynamics of threat and defense and carries with it a historical precedent related to practices of war (Laustene and Waever, 2000: 734-5).

9 Classical realist scholar Carl von Clausewitz (1780-1831) suggested that policy and strategy should be in harmony. For Clausewitz, an informed understanding of war is possible only by having a thorough
As Waever (1995) put it:

Critics normally address the what or who that threatens, or the whom to be secured; they never ask whether a phenomenon should be treated in terms of security because they do not look into ‘securityness’ as such, asking what is particular to security, in contrast to non-security, modes of dealing with particular issues (Waever, 1995: 57).

The analysis of security must therefore work ‘faithfully’ (Waever, 2000) with the classical meaning of security: ‘the language game of security is a jus necessitates for threatened elites, and this it must remain’ (Waever, 2000).

**2.3.2. Sectors, Societal Security and Identity.**

As detailed above, securitization is a process usually reserved for the state, but in *Security: A Framework for Analysis* (1998), Buzan et al. introduce the possibility of ‘security sectors’ as a means of cautiously introducing potential domestic referent objects other than the state. Considered only as analytical tools, not ontological domains, these ‘principal sectors’ are: military, political, economic, societal and environmental, and ‘define the attempt to construct a broader agenda for international security studies’ (Buzan et al., 1998: 19). While the function of these sectors is to point to ‘distinctive knowledge and understanding of policy, military art and their mutual relationships, policy should nonetheless dominate strategy; ‘strategy has its limits’ and ideally military action should be held within the framework of a state’s national security policy. This being said, the realist recognizes and even laments that the reality and tragedy of war is that at times, the means of war can outweigh its objective ends. Though advocating for a rational thread (i.e. policy) to run through the making of war, Clausewitz concedes that war, despite the best laid plans, is inherently ‘ambiguous in terms of its effect on strategic performance’ (Waldman 2010): ‘War is ‘nothing but’ an act of brute force nor ‘merely’ a rational act of politics or policy’ (Clausewitz in Waldman 2010: 57).

10 The decision to choose these sectors, and not others, is explained by Buzan in later writings: simply, they were chosen because they were determined to be the most relevant discourses of security at the time (Albert and Buzan, 2011).

11 Recognizing the possibility of referent objects and agents other than the state, Buzan et al. outline in *Security: A Framework for Analysis* (1998) how the dynamics of securitization, as a mode of thinking, operate distinctively across different domestic dimensions of the state. These sectors are described as follows (Albert & Buzan 2011: 418): 1. Military Sector: Focused on relationships of forceful coercion; concerned with existential threats to state/populace/territory/military capacity. 2. Environmental Sector: Focused on relationships between human activity and the planetary biosphere; concerned with existential threats to biosphere/species/natural environment. 3. Economic Sector: Focused on relationships of trade, production, and finance; concerned with existential threats to markets/finance/resources. 4. Societal Sector: Focused on collective identity; concerned with existential threat to collective identity/language/culture; 5. Political Sector: Focused on relationship of authority, governing status and recognition; concerned with existential threat to sovereignty/organizational stability/idealogy of a social order. Due to the limits of this project, I will not be exploring these sectors further here.
zones’ that can threaten the state’s survival, this nonetheless reduces, in its effects, the domestic to a dimension of the state (McSweeney, 1999: 61).

Sectors serve to disaggregate a whole for purposes of analysis by selecting some of its distinctive patterns of interactions. But items identified by sectors lack the quality of independent existence…. Sectors might identify distinctive patterns, but they remain inseparable parts of complex wholes. The purpose of selecting them is simply to reduce complexity to facilitate analysis (Buzan et al., 1998: 8).

Hence, the benefit of treating each as a separate domain allows the analyst to ‘discern distinctive patterns or dynamics of security that are found in each’ and ‘to identify the likely securitizing actors and prospects for securitization’ (Buzan et al., 1998 in Peoples and Vaughn-Williams, 2014: 97).12

While it may not have been the intention of the Copenhagen School, many critical security scholars received the presentation of sectors as an important gesture in the analysis of security (McSweeney, 1999; Roe, 2007; Hansen, 2008). In further widening the lens of security to sectors outside of the military, security becomes not only about survival but also about legitimizing collective survival. At this level, articulating threats to a group’s survival is to engage in a political process that convincingly works a particular threat up to a degree that the group appears existentially threatened (Hansen, 2000: 289).

Thus states can be made insecure through threats to their society: ‘If a state loses its sovereignty it will not survive as a state… if a society loses its identity it will not

12 Adopting a more reflexive comportment to their work, Albert & Buzan (2011) draw attention to the way that assumptions about the social world determine which sectors are seen as most important, and how in turn sector-thinking ‘feeds back into such structuring processes’. (Albert & Buzan, 2011: 416). Another critique of this division between sectors is based on its focus on ‘different dynamics of securitization across different issue areas rather than on the processes through which these security referents are themselves given meaning’ (McDonald, 2008: 572).

13 Some critics nonetheless point to how the inclusion of sector vulnerabilities continued to prioritize military force and the security of the state. As Albert and Buzan (2011) later said, the choice of sectors ‘implies some assumption about how the social world is structured, as much as thinking in terms of sectors feeds back into such structuring processes (Albert & Buzan, 2011: 416). To put another way, the shortcoming of this division between sectors is based on a focus of ‘different dynamics of securitization across different issue areas rather than on the processes through which these security referents are themselves given meaning’ (McDonald, 2008: 572).
survive as a society’ (Waever et al., 1991: 25-6):

The key to society is that set of ideas and practices that identify individuals as members of a social group. Society is about identity, about the self conception of communities and of individuals identifying themselves as members of a community (Waever et al., 1991: 24).

Through ‘a clustering of institutions combined with a feeling of common identity’ (Waever et al., 1991: 21) societies produce ‘societal cohesion’, subsequently speech acts at the level of societal security identity referent objects that are:

whatever larger groups carry the loyalties and devotion of subjects in a form and to a degree that can create a socially powerful argument that this ‘we’ is threatened. Since we are talking about the societal sector, this ‘we’ has to be threatened as to its identity (Buzan et al. 1998 in Hansen, 2000: 43).

For the Copenhagen School, collective identity is effectuated through designations of tribes, clans, nations, civilizations, religions and race (Wæver & de Wilde, 1998: 123). And it is this common construction of self that ‘enables the word we to be used’ in order to identify collectively ‘the thing’ to be secured (Waever, 1993: 17). ‘Securitizing within the societal sector is therefore concerned with the defining of us and them, maintaining our identity as opposed to theirs’ (Roe, 2004: 289-90). Because, for Waever, identity is tied to ethnicity, culture and nation, there are dangers to legitimizing voices that articulate these identities as they can lead to racist policies and to scapegoating.

While the securitization of identity as being of primary importance to state survival revives the intersubjective element of the Copenhagen School’s securitization model of analysis, it again simultaneously aligns itself with a neo/realist conception of state-centred power. For in the successful securitizing of identity, where an existential threat is authoritatively brought into being, the capacity to decide on the limits of that identity, i.e who is included and who is excluded, is most authoritatively designated to the state (McSweeney, 1996).

2.4 Securitization Theory

As introduced above, for the Copenhagen School securitizing moves are situated as the product of elite political decision-making but are nonetheless enacted in
coordination with an acquiescing audience situated within particular ‘facilitating conditions’ (Buzan et al., 1998: 25). These external elements of the securitization process (the audience and context/conditions), though acknowledged, remain fundamentally underdeveloped within the theory. Finding the internalist logic of securitization speech acts too narrow and limiting to deal with real-world securitizations (Stritzel, 2007; Mcdonald 2008), many contemporary scholars of securitization look to how security speech acts and securitizing actors are ‘embedded in broader social and linguistic structures’ (Stritzel, 2007: 367). Following an ‘unfaithful’ (Waiver, 2000) approach to the Copenhagen School’s demand for the language of security to be reserved for the state and elite securitizing actors, ‘securitization studies’ (Taureck, 2006) or ‘securitization theory’ (Balzacq, 2011) looks to understand ‘how security issues emerge, evolve and dissolve’ (Balzacq, 2011: xiv). This externalist approach fleshes out the relationships between securitizing agents and their audiences in order to explore the social, political and historical contexts in which particular discourses of security renders the audience more or less sensitive to its vulnerability (Balzacq, 2008, 2011; Saltzer, 2011; Mcdonald, 2008).

Dividing the field of securitization criticism, Gad and Peterson (2011) identify three veins of debate and intervention: The first line of contestation addresses the normative political implications of securitization theory. Authors such as Booth, 1991, 2005a; Wyn Jones, 1999, 2001; McSweeney, 1996; Hansen 1996, 1998, 2000, 2006; Hoogensen and Rottem, 2004, represent this territory. The second line of critique challenges the explanatory power of securitization theory in terms of what Gad and Peterson (2011) refer to as the ‘analytic operational criteria for successful securitization’, or the necessity of a securitizing move following a strict internal logic in order to be deemed successful. This work is exemplified in the writings of Balzacq, 2005; Roe, 2008; and Stritzel, 2007, each of whom has greatly informed the theoretical direction of this project. A third vein of study looks to the ways that security speech and practices of government elites combine to erase the distinction between 'the exception' and 'the
normal' (Huysman, 2006: 124-6; Williams, 2003). As this field is extremely complex and far-reaching, the discussion below is limited to the literature most pertinent to my research. As I address the literature on security as ‘exception’ and the production of ‘unease’ in detail in Chapter Three, the following discussion will focus only on the first two domains of debate.

**2.4.1 Normative Political Implications.**

*Positive securitization and securitization at the level of the individual*

Much of the debate on the potential of securitization, as brought forth by various critical and feminist authors¹⁴ (McSweeney, 1996; Hansen 1996, 1998, 2000, 2006; Hoogensen and Rottem, 2004; Roe, 2004), hinges on whether securitization can work at the level of the individual, often through the recognition of citizenship, or through collectives where categories based on religion and race may be productive.

As Buzan (1983) recognizes in *People, States and Fear*: ‘The security of individuals is locked into an unbreakable paradox in which it is partly dependent on, and partly threatened by the “state”….Individuals can be threatened by their own state in a variety of ways, and they can also be threatened through their state as a result of its interactions with other states in the international system’ (Buzan, 1983: 364). Yet Buzan nonetheless insists that the individual cannot be a central units of analysis:

> While a moral case for making individuals the ultimate referent object can be constructed, the cost to be paid is loss of analytical purchase on collective actors both as the main agents of security provision and as possessors of a claim to survival in their own right (Buzan as quoted in Floyd, 2007: 40).

Again, the primary issue for the Copenhagen School is not whether or not individuals can

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¹⁴ Across the critical streams (e.g. feminism, critical race theory, postcolonialism, queer studies, etc.), ‘security’ ceases to refer exclusively to a property of the state but is seen as a useful tool for drawing attention to other threats on life, such as poverty, environmental dangers, epidemics, etc. By denaturalizing the status of the state, critical security studies opens up the application of constructing the ‘referent object’ in terms of the individual, humanity, ethnic, religious, racial, gendered groups and other non-state actors. This is the normative emancipatory thread that connects the diverse and interdisciplinary scope of security analysis, for with the understanding that there is no ‘natural’ state, and the social world is a product of contingent social interactions, then there is inevitably change and the possibility to direct it (Waever, 1987).
be referent objects, but rather the analytic dilemma of trying to study securitization below the level of the state: ‘When security is defined via individual security there is a high risk that the core of the classical security problematique [i.e. what should or should not be treated as a security referent object] which one is allegedly trying to redefine, not forget, will be missed’ (Buzan et al., 1993: 24). As Buzan argues, security is fundamentally about the interplay between collectives, and ‘even in the rare cases where the threat to a particular individual is securitized, one has to engage in a collective process where the relevant audience needs to be convinced—or coerced—into recognising the “threat” in question’ (Buzan et al., 1993: 24). ‘If the referent object of human security is collectives, then the job it is trying to do is better done by societal or identity security…Reductionism in security thinking eliminates the interaction among social collectivities’ (Buzan as quoted in Floyd, 2007: 40).

Taking to task the assumption that the individual as the security referent effectively misses or disables the meaning of security, Ogata and Cels (2003) challenge the impact of the Copenhagen School’s inclusion of identity and societal security as a referent object, arguing that these concepts are utilized only to further reify state security, bringing the analyst of security back to the original problem: ‘State security is essential but does not necessarily ensure the safety of individuals and communities’ (Ogata & Cels, 2003: 275).

While proponents of the Copenhagen School conceptualize the realm of security as an arena of exclusion and ‘panic politics’ (Buzan et al., 1998: 34), critical security analysts argue that security can be a means or site for emancipatory change by allowing marginalized actors the means to articulate alternative discourses of security and threat rather than simply arguing for desecuritization and a return to the realm of the political (Mcdonald, 2008; McSweeney, 1998; Hansen, 2004).

If indeed ‘[t]he individual represents the irreducible basic unit to which the concept of security can be applied’, as Buzan (1991: 35) claims, and if in/security is indeed recognized as a condition of the individual, then attempts to conflate individual security
with, for example, state-centred neoliberal conceptions of citizen’s safety, necessarily contributes to the concealment of how claims of state security can contradict and even undermine individual security (Hoogensen and Rottem, 2004). The positive security project of reorienting security analysis away from the state articulates a critical and normative objective as it moves ‘from the divisive and exclusionary to the non-divisive and inclusionary, from those whose voices are often heard to those that rarely are’ (Roe, 2013: 132).

Offering insights from feminist research, Hoogensen and Rottem (2004) assert that the question of whose security, ours or theirs, need not be understood in negative terms and need not be centred on state interest. For if societal security is indeed a legitimate voice within the security dynamic and is determined on the basis of diverse identities, then this diversity must reflect an equally sorted range of security needs (Hoogensen and Rottem, 2004: 163). Thus if identity is a concern of security, then the question for security analysts is: Who determines ‘what counts as the parameters of collective identity and by what criteria must judgments be made?’ (McSweeney, 1996: 88). Such questions highlight an emerging awareness from positive security proponents that the choice of referent object is not simply an empirical issue, but has significant ethico-polical implications as well (Huysman, 1998; McSweeney, 1996; Booth, 2005).

If we assume that security is unable to escape its history (that it is no longer a construct of our making but an entity independent of us) [then] our main ambition should be desecuritization. On the other hand, if security could escape its state-centric, militaristic, non-democratic and elitist dimensions, securitization would instead become a positive process and could play a pivotal role as a part of the new global vocabulary (Hoogensen and Rottem, 2004: 158-159).

While positive securitizations may theoretically be possible, the primacy of the state in political life often means that difference and diversity are regularly subjugated under ideations of collective identity. So while the form of a we identity can be constructed in many different ways and vary in terms of the kind of group it applies to, the intensity with which it is felt and the reasons which create this collective sentiment
are nonetheless constituted by ‘admonishing and deligitimizing the presence of other subjectivities, most obviously those related to class, race, gender’ (Roe, 2004) and, as will be shown, age: ‘Often the main issue that decides whether security conflicts will emerge is whether one or another self-definition (identity) wins out in a society’ (Hoogensen and Rottem, 2004: 163).

Human Security as Critical Theory.

For many, the inclusion of human security under the banner of critical security is not a conventional choice (Croft, 2012). As some argue, the introduction of human security announced nothing less than a ‘paradigm shift’ in International Relations and the study of security (Marhia, 2013). Unlike critical security studies which highlight, for example, how ‘(neo)realist conceptions of “national” security can… [serve] to paradoxically desecure particular categories of people and (re)produce (gender, race, religion, age-based) violences’ (Marhia, 2013: 19), human security reifies dominant (neo)realist narratives but situates them on a new real-world political ground. So while human security is critical in the sense that it has a non-state focus, it does not share the same constructivist epistemological horizon of other critical security theories (Croft, 2012). Nonetheless, for some critical scholars looking for alternatives to neo/realist security narratives, the shared normative grounds and discursive traction of human security in academic, social and political circles can still provide a useful conceptual resource for their own emancipatory program (Wibben, 2011).

While strategic security scholars such as Hataley and Nossal (2004) and Owens and Arneil (2011) tend to dismiss human security as ‘too broad and vague a concept to be meaningful for policymakers’ (Owens and Arneil, 2011), others concede that it is more ‘a matter of taste’ than an issue of its rightful place when arguing whether human security should or should not be included in the family of critical theories (Croft, 2012: 76). In their introduction of the emerging field of critical security research Krause and Williams (1997) outline individual security as understood through three overlapping arguments:
First, individuals are right-bearing persons. Here, ‘claims of sovereignty must be limited by the more basic rights claims of individual persons’ (Krause and Williams, 1997: 45). Second, individuals are citizens or members of a society whereby the state is seen ‘as a source of threat to citizens themselves, and disjuncture between state and society, is highlighted’. Though the first two fields align with familiar conceptions of critical security study, the third presents the less recognized field of human security where individuals are understood to be members of a transcendent global community - i.e. humanity - where ‘narrow conceptions of national interest and state sovereignty are seen to limit our ability to deal with security issues whose source and solution stand beyond statist structures and assumptions’ (Krause and Williams, 1997: 44-46).

In relation to the project at hand, the inclusion of human security as critical theory amounts to a recognition that the concept and the normative underpinning of human security - with its emphasis on the individual as referent object – is regularly invoked by critical theorists to exemplify the values of securitization in the positive. Additionally, the espousing of human security values has played a defining role in Canadian foreign policy and national identity over the past two decades. While this chapter will expand on human security as critical security theory, its relationship to Canadian foreign policy will be discussed further in Chapter Six.

Human security, as Wibben (2008) puts it, is a ‘curious concept’. Just as the meaning of security is highly contested, likewise ‘human security’ or ‘human’ for that matter is ‘not a single, unified paradigm [but is] ambiguous, contested and permutated through multiple interpretations’ (Marhia, 2013: 20). This is evidenced in the way that human security approaches are able to embrace and integrate the diverse perspectives of both grassroots activism and state-based policy making (Wibben, 2011: 84). This is perhaps both its strength and its weakness, as Paris (2001) writes: ‘Human security is like “sustainable development” – everyone is for it, but few people have a clear idea of what it means’ (Paris, 2001: 88). So while the normative comportment of the theory is widely
accepted as a field of examination, meaning-making and/or policy production, its
definition, purpose and function is widely open to interpretation.

The concept of human security has come from the world of social and economic
development (Moens, 2008: 570) and appeared on the international scene with the United
Shifting the focus of security from the state to the individual, the HDR introduced to a
global audience a new security concept and subsequently a new agenda, marking a
‘profound transition in thinking – from nuclear security to human security’ (UNDP,
1994: 22). Within the report human security is defined as ‘freedom from fear, freedom
from want’, reflecting four qualities: universal, interdependent, easier to ensure through
early prevention and people-centred (UNDP, 1994: 23–24 in Hoogensen and Rottem,

translates this recognition of human-centered security into the responsibility ‘to protect
the core of all human lives in ways that enhance human freedoms and human fulfillment
[by] protecting people from critical (severe) and pervasive (wide-spread) threats and
situations (Ogata, S. and J. Cels, 2003: 4). Here, the state as the security referent object is
downplayed, with human security proponents recognizing the capacity of regional and
international organizations, nongovernmental organizations and civil society to impact
and manage security issues (Ogata, S. and J. Cels, 2003). Above all else, however, is the
reorientation of the security referent object from the state to the individual, and in so
doing, embodies a positive image of security (Hoogensen and Rottem, 2004: 157).

But like all discourses, their effect is in the context of its deployment and the
relationship between speaking actors and their audiences. Additionally, as Natasha
Marhia (2013) outlines in her feminist analysis of human security, the concept can be
instrumentalized in the service of war and military aggression, such as the framing of the
Afghanistan war as necessary to liberate girls and women from the oppressive religious
ideologies of the Taliban. Likewise, referencing Chander’s (2008) ‘Human Security: The Dog That Didn’t Bark’, Wibben (2008) notes that ‘human security’ is also a rhetorical resource used to reinforce rather than challenge existing policy frameworks and is easily co-opted by political elites (Wibben, 2008: 455). As will be illustrated below, even the Chretien government, which situated human security as its grounding foreign policy position, framed its Anti-Terrorism Act and military participation in Afghanistan in terms of defense but also as a means of effectuating human rights protections and human security. This will be illustrated in more detail Chapter Six.

2.4.2. Criteria for Successful Securitization.

Securitization as process.

While politicization can be understood as the situating of an issue on the political agenda, securitization is understood as ‘a more extreme version of politicization’ (Buzan et al., 1998: 23): an issue reaches a point where it is considered to constitute an existential threat to a referent object, and requires extraordinary measures such as the threat, display, or use of military force (Altland and Ven Bruusgaard, 2009: 337). Desecuritization, on the other hand, is understood as a process of de-politicization where an issue no longer requires the attention of politicians. This can occur when a perceived threat has disappeared, become ‘non-existent’ or when social actors purposefully choose to refrain from framing issues as security issues, allowing them to return to the political realm (Altland and Ven Bruusgaard, 2009: 337). While most securitization research focuses on ‘successful’ securitizations/desecuritization, many authors argue that in practice, the distinction between a successful and unsuccessful securitization is not clear-cut (Wilkinson, 2005: 95) such as when decision-making power is diffuse or ambiguous, or when it is institutionalized through policy or technology (Bright, 2012).

Others suggest that a successful securitization may not be easy to define, and that the identification and analysis of failed or ‘misfired’ securitizations are more apparent and equally revealing. For example, Salter and Piche’s (2011) study of securitizations of
the U.S./Canada border illustrates the complexity of securitizations beyond the ‘speech-act performance-audience-acceptance model’ by demonstrating how securitizations are constructed through ‘overlapping and ongoing language security games’ performed by ‘multiple speakers in diverse settings adopting different tools and addressing various audiences in an attempt to guide the issue in question further into or out of the realm of security’ (Salter and Piche, 2011: 948). As has been addressed above, this type of research sees securitization as a process corresponding not only to a linguistic act, but also within particular social contexts. Thus to understand the process by which the US-Canada border came to be perceived as a security policy area, the authors look to the shifts in political discourse over the period spanning the introduction of the Intelligence Reform and Terrorism Prevention Act (IRTPA) in 2004 and the formalization of the Security and Prosperity Partnership of North America (SPP) in 2005 (Salter and Piche, 2011: 936). A key finding of this study is the way in which key security claims articulated by politicians and policy makers - though technically insufficient to be deemed a securitizing move - nonetheless become part of the securitizing process. Understanding these governmental securitizing agents as specific and not a homogeneous group of elites, they are:

best seen both as shapers of specific public opinions and interests and as seismographs, that reflect and react to the atmospheric anticipation of changes in public opinion and to the articulation of changing interests of specific social groups and affected parties (Wodak and Meyer, 2001: 64).

So while saying that ‘we are not safe’ is not a securitizing move proper, it nonetheless contributes to the process of securitization, not by naming a threat, but by both reading an ‘atmospheric anticipation of change’ and by naming it as a condition of risk (Salter and Piche, 2011: 943). This is supported by A. Kamradt-Scott and C. McInnes’s (2012) study of the construction of pandemic influenza as a security situation and their finding that processes of naming the condition of risk - as when threats are articulated as ‘high’, ‘extreme’ or ‘exceptional’ - contributes to securitizations and amount to securitizing
moves despite not being faithful to the Copenhagen School’s linguistic-based securitization framework (A. Kamradt-Scott and C. McInnes, 2012: S96-97).

In their study of how interstate disputes come to be politicized and securitized, Altland and Ven Bruusgaard (2009) follow how in the case of an interstate fishery dispute between Norway and Russia in October 2005 - the Elektron incident - the issue failed over the course of four days to escalate despite efforts by Russian officials to frame the actions of the Norwegian Coast Guard as a threat to their national sovereignty. Again, the issue of context is significant here. As Altland and Ven Bruusgaard (2009) show, threats are less likely to become security issues between states when threats are perceived by relevant audiences as ‘diffuse, distant in time and space, and historically neutral’ (Altland and Ven Bruusgaard, 2009: 347). Additionally, they show how in interstate disputes the attempt at securitization by one state actor often triggers a ‘counter-securitization’ from the other. Following the same logic, one state’s ‘toning down’ of the security aspect of a situation can create the conditions for the other state to respond in like, effectively facilitating a pragmatic managing of the situation within the sphere of ‘normal’ politics (Altland and Ven Bruusgaard, 2009: 351)

*Securitization as Framing: policy-making and the news media.*

The study of context-centered process approaches to securitization has inspired the application and incorporation of framing theories to further address the construction of security realities through mechanisms of communication, the situating of relevant policy players, and the curation of security stories and outcomes. As the Canadian public was heavily reliant on the media for understanding the events surrounding Omar Khadr’s family, capture, detention, well-being, legal cases and repatriation, it is important to look to the role that news media plays in the process of securitization.

In the making sense of these security situations, most of us receive the names and categories of understanding second-hand via the news media (Vultee, 2010). Utilizing a process model approach to media frames, Vultee (2010) positions news frames as ‘the
lens through which the public sees an issue like terrorism [or Omar Khadr] as a matter best dealt with through the normal working of law, diplomacy, and politics or as a crisis that requires extreme measures for an indefinite time (Vultee, 2010: 33).

Looking to the role of media accounts in forming and shaping public opinion, Fred Vultee’s (2011) study of the ‘War on Terror’ frame applies media framing theory to illustrate how ‘securitization works both as an independent variable – an effect in media – as well as a dependent variable, or an effect of media’, where frames can be either causes or outcomes and can be located either in the audience or the media (Vultee, 2011: 78-79). Security and securitizing practices are thus understood as one kind of media frame among others, where securitizations/desecuritizations are ‘a special set of tactics’ in a suppressor or resisters ‘playbook’ (Vuori, 2011: 191). While news frames help us make sense of security events, they are also resources or instruments of the storyteller. Construction of security narratives therefore entail selecting or activating certain social and/or political cues within/through an event to make them more salient in a communicating text (Vultee, 2010; Vultee, 2011). In so far as this is a process of bringing threats, circumstances and resolutions to light, it is equally a process of making others invisible, inert, irrelevant and silent (Hansen, 1998). In other words, inherent to the process of securitization, is the differential capacity of institutions, groups, or individuals ‘to make socially effective claims about threats’.

Drawing on Schon and Rein’s work on framing and the ‘situated socio-political processes through which framing takes place’, van Hulst and Yanow (2016) look to ‘intractable policy controversies’ to illustrate the political dynamism of policy frames and the framing of policies. Focusing on processes instead of identification, Hulst and Yanow (2016) see framing as a procedure of ‘sense-making’ to which ‘policy-relevant actors attend to circumstances that are ambiguous or about which there are uncertainties’ (Hulst and Yanow, 2016: 98). Policy frames are utilized to organize prior knowledge and values held and to guide the emergent action of a situation (Hulst and Yanow, 2016: 105). As a
future-oriented, dynamic, and interactive strategy, framing is a strategic exercise that situates actors ‘in a conversation with the situation, where “the situation” intermingles persons, acts, events, language, and/or objects’ (Hulst and Yanow, 2016: 98). Framing is thus a process of ‘engaging how selections are made, how names are given, how categories are created and how stories are told’ (Hulst and Yanow, 2016: 98).

This study demonstrates first that securitizing frames [speech-acts] need not use the word security to be successful. On the contrary, a range of terms (‘threat’, ‘risk’, ‘uncertainty’, ‘instability’) may be deployed which demand action outside the norm (A. Kamradt-Scott and C. McInnes’s, 2012: S96). And finally, processes of securitization and desecuritization can be understood as cyclical as opposed to linear and stepwise developments, with processes of re-validation needed to take place in order for an issue to remain securitized (Kamradt-Scott and McInnes, 2012).

Constitutional Checks.

Of particular relevance within the securitization literature is the role of constitutional checks as an alternative means of scaling down securitizations and interrupting the naturalized practice of linking security claims with the empowerment of exceptional executive emergency governance (Hanrieder and Kreuder-Sonnen, 2014). Hanrieder and Kreuder-Sonnen (2014) introduce this important field of consideration in their study of how the 2003 Severe Acute Respiratory Syndrome (SARS) crisis and how the World Health Organization’s (WHO) governance of global health emergency responses triggered processes of constitutional contention. Unlike discursive desecuritizations that provide challenges to threat constructions as a means of returning a security issue back to the realm of political debate, constitutional reviews begin with the assumption that the ‘jump between securitization and exceptionalism’ is already inherently political and thus inherently contestable (Hanrieder and Kreuder-Sonnen, 2014: 335).
For Hanrieder and Kreuder-Sonnen, constitutional checks are an effective means of addressing the tendency of securitizations to become institutional ‘emergency traps’: a process whereby institutional emergency provisions become a slippery slope toward yet further securitizations. The dynamics of this trap are two fold: First, the institution of emergency powers does not ‘simply put an end to a security crisis’. On the contrary, it can increase the pressure on executives to become more active and respond to situations where an issue may be viewed [or claimed] as an existential threat. And second, often concomitant with the institutionalization of security provisions, obstacles to further securitizations are reduced and create incentives and opportunities for executives to extend their reach and authority further (Hanrieder and Kreuder-Sonnen, 2014: 338-9).

While the exercise of desecuritizing moves is conventionally understood as the ideal means by which to counter threat constructions and thus security claims, a constitutional approach also provides a method for what Roe (2004) might call ‘managing’ a securitized issue. This is evidenced in a legal theory approach to security, which sees the courts as a vehicle for enacting limits on sovereign power through constitutional challenges and checks. As will be demonstrated in Chapter Six, mechanisms of political and constitutional review provided vital support in the mitigation of prerogative actions taken by the Canadian government against Omar Khadr.

Over the course of Omar’s detention, a number of cases against the Canadian government were brought before the Canadian judiciary, based on claims that the actions (and non-actions) of the Canadian government and/or its intelligence agencies had egregiously overstepped the limits of their discretionary executive powers despite their claims of acting out of necessity and national security. Through the process of these constitutional challenges, mechanisms were put into play to check that the sovereign’s

15 While this paper deals only with the era of the U.S. Bush administration, and peripherally the Obama administration, recent efforts by U.S. courts to counter the executive orders of President Donald Trump epitomize the utilization of constitutional containment as a means of countering executive securitizations (Gonzalas, 2017, November 15).
discretion was not trespassing on elementary rules and rights, even in the state of emergency (Hanrieder and Kreuder-Sonnen, 2014: 341). In addition to the decisions themselves the language and rationales provided to justify the decisions became discursive sources of legal and moral authority both within and outside their legal context and utilized by various claims-makers - i.e. governments, lawyers, individuals and groups - working to characterize Omar as threat or threatened.

**The Importance of Context and the Audience.**

To look to the conditions of securitizing moves is to understand that ‘to persuade the audience (e.g. the public)…the speaker has to tune his/her language to the audience’s experience’ (Balzacq, 2005: 184). Persuasion is here understood ‘as a social process of communication that involves changing beliefs, attitudes, or behavior in the absence of overt coercion’ (Klotz and Lynch, 2006: 364). This understanding of ‘security’ assumes that humans are socially embedded creatures subject to interactional processes that induct ‘new actors into the norms, rules, and ways of behavior of a given community’ (Checkel, 2005).

Securitizations can therefore be seen as utilizing established social frames and linguistic repertories through which securitizing actions, events and actors are ascribed legitimacy (Hughes, 2007: 86). Crafted and strategically deployed by politicians, intellectuals, media editors, and interested individuals and groups, security discourses of ‘persuasion’ (e.g. basic discourses) are invoked at particular times to create particular responses by an audience who must judge the degree to which the speaker can legitimately be heard as reflecting a community’s account of itself. As Holer Stritzel (2007) argues, securitizations combine socio-linguistic concerns with socio-political contexts. Examples of the former include issues pertaining to how securitizing actors speak ‘to and from a broader linguistic context by framing their argument in terms of the distinct linguistic reservoir [i.e. basic discourses] available at a particular point in time’ (Stritzel, 2007: 369), while the latter addresses ‘more sedimeted social and political
structures that put some actors in positions of power to influence the process of constructing meaning’ (Stritzel, 2007: 369). Securitization is thus a:

strategic (pragmatic) practice that occurs within, and as part of, a configuration of circumstances, including the context, psycho-cultural disposition of the audience, and the power that both speaker and listener bring to the interaction (Balzacq, 2005: 172).

If security discourses are ‘not produced without taking context into consideration’ (Fairclough and Wodak as quoted in Balzacq, 2011: 36), then claims of threat must arise out of and through the work of specific contexts (Balzacq, 2011: 36).

Just as securitizing moves cannot successfully come from just any actor, the audience too must be, what Balzacq calls, an ‘empowering audience’ (Balzacq, 2011: 8). That is, only particular groups or types of audiences are poised to enable the securitizing actor to take the actions proposed (Balzacq as quoted in Bright, 2011: 864). While the general public is generally understood to play a critical role within liberal democratic societies, it is important to attend further to the relationship between a securitizing actor and its audience.

Having not been adequately explored by the Copenhagen School (Stritzel, 2007; Balzacq, 2008, 2011; Roe, 2004, 2008), my research attends to both the relationship between context and audiences, i.e. what circumstance make the masses ‘ripe for persuasion’ (Balzacq, 2005) and securitizing actor and audiences, i.e. the role that audiences play in legitimizing the breaking of rules. It is thus necessary to expand here on the critical role of the audience as articulated through Thierry Balzacq’s (2005, 2011) understanding of ‘formal’ and ‘moral’ support, as well as Nicole Jackson’s conception of ‘rhetorical securitization’, and Paul Roe (2008)’s application of these concepts in his construction of securitization as consisting of a stage of identification followed by a stage of mobilization (Roe, 2008).

For Balzacq (2011: 6), different audiences can play different roles in the securitizing process. The securitizing actor is thus sensitive to two kinds of supports: moral and formal (see also Roe, 2008). These supports can be congruent or not, however
the more congruent they are the more likely the public issue will be successfully securitized. But formal and moral supports are not the same thing and should not be conflated (Roe, 2008). For example, the Chrétien’s government decision not to participate in the U.S. led invasion of Iraq, though a popular decision among many Canadians, was not decided based on the moral comportment of the Canadian people but on the lack of formal support from institutional bodies, i.e. Parliament (both Block and NDP) and more significantly, the UN Security Council (Freeman, 2013, March 19). And yet, this defining decision of the Chrétien Liberal government (Freeman, 2013, March 19), which was defended through the invocation of Canada’s sovereignty and its commitment to UN supported multilateral campaigns was also politically fortified through it representing what the Canadian people wanted. The significance of this garnering of moral support from the populace, even when formal institutional support is ultimately decisive, is best articulated by Balzacq (2005: 185):

Securitizing agents always strive to convince as broad an audience as possible because they need to maintain a social relationship with the target individual group. . . . Political officials are responsive to the fact that winning formal support while breaking social bonds with constituencies can wreck their credibility. That explains why, while seeking formal acquiescence, political officials also cloak security arguments in the semantic repertoire of the national audience in order to win support.

For Roe (2008), this consideration and valuation of the role of the audience reveals securitization to be a two-stage process: First, the ‘stage of identification’ is where an issue is defined, presented and then accepted by an audience/s as a security problem. Thus this stage is based on the establishment of a discursive platform where it is possible to legitimize emergency measures through a process of rhetorically securitizing an issue (Roe, 2008). However the establishment of a security issue may not necessitate that it be followed with the enactment of emergency measures or the legitimizing of breaking restraints. As Buzan, et al. (1998) explain:

16 This was evidenced by a poll ‘conducted for the Star and the Montreal newspaper La Presse by EKOS Research Associates, found 71 per cent of those polled backed the decision by the Liberal government, with 27 per cent registering their disapproval’ (Harper, 2003, March 22).
We do not push the demand so high as to say that an emergency measure has to be adopted, only that the existential threat has to be argued and gain enough resonance for a platform to be made from which it is possible to legitimize emergency measures . . . that would not have been possible had the discourse not taken the form of existential threats. (Buzan, Wæver & de Wilde, 1998: 25)

As Roe (2008) puts it, ‘on its own, rhetorical securitization is indeed of value, inasmuch as it may legitimize certain actors…, thus changing the structure of relations between agents and/or objects’, but ‘active’ securitization is something other (Roe, 2008: 66). This second stage of securitization is what Roe calls the ‘stage of mobilization’, the employment of emergency measures and military forces to respond to the accepted threat. Having rhetorically established the condition for war, active securitization produces the logic of ‘breaking free of procedures and rules that he or she would otherwise be bound by’ (Buzan et al., 1998: 25).

Taking Balzacq’s concern for formal and moral support further, Roe argues that the relationship between the securitizing actor and audience is also constituted by ‘what the audience is being asked to agree with’ (Roe, 2008): What does the securitizing actor propose should be done if the audience/s concede that the issue constitutes a security threat? To put in terms of frame theory as presented above, what if the audience accepts the security frame of the issue, but rejects its implications? As Foreign Affairs Minister Bill Graham argued in defense of Canada’s refusal to enter the ‘coalition of the willing’:

The decision we took does not reflect any illusions about the brutality of Saddam Hussein and his regime. It was a decision based on our judgment about the interest of Canadians in accordance with our principles and our deep and longstanding commitment to the United Nations and multilateral system and to the Security Council process (Freeman, 2013, March 19).

In this case, the U.S. government’s attempt to invoke formal action from the Canadian government succeeded in drawing out a moral recognition that the invasion of Iraq may be justified, but fell short of persuading Canada to join the operation without UN support by which it claimed to be bound. But as Roe (2008) demonstrates in his analysis of the lead up to Britain’s participation in the U.S. Iraq invasion, though moral support from the masses may be desirable, what matters most is the formal support of institutions:
although the stage of identification is a fundamental part of the securitization process (i.e. rhetorical securitization), the success or failure of active securitization rests firmly in the ‘stage of mobilization’ (Roe, 2008: 633).

While Roe’s approach to securitization in this study focuses on the conventional conception of securitization in the negative - where security is a property of the state that must be protected from threat if the political community is to survive - my research deals with securitization in both its negative and positive operations. Negative securitizations focus on how a securitizing actor demands the right to take an action through an empowering securitizing audience and then takes it, while securitizations in the positive, on the other hand, are not dependent on the ‘assent of the audience’ (Bright, 2012). On the contrary, it is the ‘audience that is the performing actor’, the securitizing actor using security to convince others to act (Bright, 2012: 869). As Bright (2012) argues, positive securitizations can be understood in terms of ‘a bottom up exhortation for the state to take action’ (Bright, 2012: 869). Unlike conventional securitization approaches that effectively limit security practices to the actions of elite state-actors, a positive approach (e.g. from a human security perspective) suggests that non-state actors and/or ‘proponents can highlight insecurities on behalf of other individuals, especially those individuals who are in no position to speak for themselves’ (Floyd, 2007: 44). Such actors within the context of this research include civil rights lawyers working pro bono, legal and human rights organizations, artists, scholars, and other collectives and individuals advocating for Omar’s well-being and the social recognition of his status as, for example, Canadian citizen, a juvenile, a child-soldier, and/or a human-being.

2.5 Limits and Challenges

Securitization research addresses the discursive construction of what are deemed exceptional and normal threats and the ways in which these constructions produce a type of politics that first permit some securitizing actors to break rules and/or escape restraints that normally apply and second, simultaneously restraints and silences other actors and
claims. But as Claire Wilkinson (2009) clarifies, the Copenhagen’s School typical mandate for securitization analysis focuses on successful outcomes – i.e. completed securitizations – without attention to processes and/or context. Consequently, for the Copenhagen School, analysis of ‘a situation and application of the framework cannot be undertaken until a securitization move is completed, so that the relevant actors, referent object and threat narrative can be identified’ (Wilkinson, 2009: 66).

But as the above discussions makes salient, the task and stakes of identifying securitizations is made all the more challenging when securitizations are not understood by the internal logic of security speech acts alone but rather are seen to be enacted through practices, processes, technologies, and relationships (Wilkinson, 2009: 65). Additionally, the difficulty in determining securitizations is particularly evident when audience reception and acceptance is treated as central to the transition of normal to exceptional politics, and visa versa. Again, this issue is highlighted by Bright (2012) who argues that not only is it difficult to gauge audience acceptance or refusal, but the identification of the relevant audience itself can be challenging when, for example, the source of decision-making power is diffuse or ambiguous as when it is institutionalized through policy or technology.

In response to these challenges, many researchers have focused on drawn out or shifting securitizing moves and contexts to demonstrate that most real-world securitizations do not happen in an instant but rather are political situations that are gradually intensified through language games and practices of social control (Williams, 2003: 521). This is particularly relevant in the case of Omar Khadr. As my examination will illustrate, attempts to securitize Omar as threat (i.e. negative securitization) and/or threatened (i.e. positive securitization), and the choice, language and logic of these constructions were intensified and relaxed, inflated and de-escalated, emerged and retreated at different points in time and context. These flows of security language were influenced not only by the changing events of his circumstances but were also
symptomatic of changes to the institutional, political and cultural conditions occurring in and around Canada at the time.

Adding further complexity to the issue of audience, the institutionalization of security threats, and the role that these institutions play in security governance and defining new threats makes it difficult to trace the various connections and international networks that are shaping and defining threats (Bright, 2011). As many of these audiences operate behind the scenes or in secret, it is not clear ‘that they are convinced only through reference to public declarations of emergency’ (Brights, 2011: 865). As Buzan and Waever concede, security is not always conducted in a climate of openness and accountability.

2.6 Chapter Summary

The above discussion outlines the theoretical stakes of deeming something or someone a ‘security matter’. Understanding security to be of an inherently political nature, this chapter has introduced the significance of the Copenhagen School’s conception of securitization and its application in Securitization Theory. I situate my examination of the Omar Khadr case as an illustration of the contested domain of security presented within and between particular security narratives and emerging contexts. For proponents of a constructionist approach to security, it is the work of the security analyst, not to identify objective threats out in the world, but to ‘understand the process of constructing a shared understanding of what is to be considered and collectively responded to as a threat’ (Buzan et al. 1998: 26). Thus a securitization framework is extremely useful in capturing the importance of discursive interventions in positioning issues as security threats (Mcdonald, 2008: 581).

This chapter also introduces the critical distinction between negative and positive securitizations. Negative securitizations focus on how a securitizing actor, usually the state, demands the right to take an action through an empowering securitizing audience and then takes it, while securitizations in the positive recognizes the audience as the
performing actor, i.e. the securitizing actor using security to convince others to act (Bright, 2012: 869). Positive securitizations can thus be understood in terms of ‘a bottom up exhortation for the state to take action’ (Bright, 2012: 869). Unlike conventional securitization approaches that effectively limit security practices to the actions of elite state-actors, a positive approach, as from a human security perspective, suggests that non-state actors and/or ‘proponents can highlight insecurities on behalf of other individuals, especially those individuals who are in no position to speak for themselves’ (Floyd, 2007: 44).

As outlined above, the ‘internalist’ logic of securitization speech acts is too narrow and limiting a frame to deal with the real-world complexity of the Omar Khadr case. Thus my research looks to how security speech acts and securitizing actors are ‘embedded in broader social and linguistic structures’ (Stritzel, 2007: 367). As a means of responding to my guiding research questions: What enabled Omar Khadr to become a ‘jettisoned’ citizen of Canada? my research follows the insights of Holer Stritzel’s (2007) securitization framework as it situates socio-linguistic concerns relating to ‘how’ and ‘what’ securitizing actors speak within their historical and socio-political contexts. This empirical framework provides the means by which to analyze various securitizing moves and their contexts across three interrelated terrains: 1. The performative force of the articulation of threat texts, 2. Their embeddedness in existing discourses, and 3. The positional power of securitizing actors who influenced the process of defining meaning (Stritzel, 2007: 370). The key benefit of this theoretical frame is that it allows me to locate Omar’s expulsion from Canadian protections and national belonging as an emergent phenomenon articulated through core discourses of Canadian national identity, imposed by both the Canadian state and an acquiescing citizenry, and enacted through a variety of securitizing actors.
Chapter Three: Citizenship, Jettisonship and the Citizen’s Other

The safety of the people is the supreme law: All other particular laws are subordinate to it, and dependent on it.

- David Hume (1978), *Enquiry Concerning the Principles of Morals*

3.1 Introduction:

Citizenship is key to understanding security relationships. While the provision of security and protection to its citizens is one way in which sovereign states have historically claimed legitimacy (Nyers, 2004: 204), critical security analysts point to security at the level of the individual and how governance of a nation’s security underscores the state’s inherently paradoxical relationship to its citizens. Just as the state may signify the legal and institutional structures that delimit a certain territory and provide and enforce the obligations and prerogatives of citizenship, the state can equally serve to expel and suspend modes of legal protection and obligation for some (Butler and Spivak, 2007). Through changes to security and citizenship policies and practices of making state boundaries and borders stable (Doty, 1996) some individuals/groups can come to find themselves ‘inside, others as outside, while still others are at risk of waking up ousted’ (Harder, 2010).

This chapter explores the idea of the ‘jettisoned’ subject - the threatening citizen who finds him/herself in a ‘state imposed state of finding oneself stateless’ (Butler and Spivak, 2007) - by fleshing out the theoretical stakes of conceptualizing security at the level of the state and at the level of the individual. Positing statelessness as the ultimate negation of citizenship through Judith Butler’s conception of the ‘jettisoned subject’ and Audrey Macklin’s ‘the Citizen’s Other’, this discussion locates the case of Omar Khadr among the stories of other Muslim Canadian men who were detained abroad after 9/11. As a means of drawing attention to the critical relationship between the public’s
determination of an individual’s belonging and/or exclusion, and its impact on diplomatic advocacy, this chapter seeks to explore not only who are the ‘some of us’ that find themselves expelled from state belonging but also under what conditions and to what degree is the political community receptive and complicit in the nomination of jettisoning a fellow citizen.

3.2 Security as Pact or Racket?

The politics of citizenship in Canada and the meaning of being Canadian has been saliently unsettled and contested within new discourses and politics of national security following the terrorist attacks of September 11, 2001 (Anderson 2008). Responding to U.S. claims that today’s terrorism constitutes a new threat, Canada has established new standards of identifying, accessing and preventing national and global security threats (Mythen and Walklate, 2006). These now familiar measures include the re-casting of border security systems, anti-terrorism and surveillance laws, immigration procedures and detention, and the expansion of prerogative powers (Webb, 2011; Mendes, 2009; Anderson 2008).

In response to these in/security practices, two positions are regularly invoked by political leaders, activists, the media and the public: on the one side, it is argued that under conditions of extreme threat, emergency or crisis a disproportionate valuing of civil liberties and citizenship rights undermines the survival of the state and society, while the other side argues that established legal civil liberties protection must be respected if the state is not to destroy the very rights and freedom it was designed to protect society (Farrow 2005: 109). While this debate is exemplified in the expression ‘the constitution is not a suicide pact’ and its circulation fueled by a traditional security logic that privileges state security above all else, it nonetheless fails to address the horizon of systemic antagonisms inherent to citizen/state relations and forecloses on questions of insecurity production and acceptance and, as will be shown, the role of constituencies in policy decision making. Where does one draw the line between security as a pact -where
the state acts as a protector to an abiding collective who receive guarantees of rights and privileges in return for fulfilling certain obligations and responsibilities, and security as a protection racket - where the state offers protection to some of its citizens from the threat of the Other, and in return receives a concession to govern. The question thus arises, who enjoys state protections? At what cost? And who decides?

3.3 Security: A Balancing Act?

In a 1949 statement of dissent following the United States Supreme Court Justice William O. Douglas’s overturning of a disorderly conduct conviction of a right-wing priest whose anti-Semitic and pro-Nazi rants incited a riot, Justice Robert H. Jackson responded that

The choice is not between order and liberty. It is between liberty with order and anarchy without either. There is danger that, if the court does not temper its doctrinaire logic with a little practice wisdom, it will convert the constitutional Bill of Right into a suicide pact (Jackson as quoted in Posner, 2006).

While historically, this warning has been invoked both by those justifying the need to curtail civil liberties and by those who have tried to defend them, in the context and rhetoric of today’s post-9/11 era, the conventional deployment of this sentiment - if not always this expression - has leaned in support of the former as a necessary state response to the exceptional and devastating potential of anticipated terrorist threats. But what are the stakes of this framing? What do rights-based calculations of balanced responses neglect?

A ‘right to liberty and the obligation not to interfere with the liberty interest’ are basic principles of international human rights law and of the constitutional traditions of liberal democracies (Forcese, 2008: 522). But as the Canadian Charter of Rights and Freedoms (1982) states, for Canadians rights and freedoms are not absolute: The Charter ‘guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law, as can be demonstrably justified in a free and democratic society’ (Section1 of the Charter as quoted in Smith, 2005: 174). The inclusion of contingency
and subjectivity at the core of Canada’s constitutional governance is a reflection of its prioritizing of national security, a position that necessitates a conditional commitment to upholding its citizens rights: there is ‘no greater role, no more important obligation for a government, than the protection and safety of its citizens’ (Privy Council Office [2004] in Forcense, 2008: 14). Because protecting national security is seen as the *sine qua non* to the very existence of the rule of law, our democratic system of government, and the upholding of the *Charter*, the government and its security agencies must strike a ‘delicate balance’ between collective security and individual rights (Bernard Laprade in Forcense, 2008: 14). The weight and difficulty of this task was best articulated in the 1984 Special Senate Committee (SSC) response to Bill C-9 and Bill C-157 pertaining to the creation of CSIS:

There is a very basic tension between the concept of collective and individual security…To a significant degree…individual rights depend upon maintenance of collective security. Both ends are desirable, but they also make competing demands on the institution of a democratic state. Either end, by it, could be easily attained, but at great expense to the other. The crucial task is to arrive at an appropriate balance of the two…Thus, the degree to which such an agency impinges unjustifiably on freedom is a measure of its failure (the Pitfield Committee in Smith 2005: 169-170).

If the scale of consideration in 1984 seemed to weigh equally between security and rights with citizens’ rights acting as a gauge of symmetry, in the wake of September 11 2001 the value for what J.S. Mill called ‘minimal liberty impairment’ lost ground, and the measure of ‘reasonable limit’ shifted to the side of security (Mill as referenced by Anne McLellan, 2001, Canadian Minister of Justice in Farrow 2005: 97). As Justices Iacobucci and Arbour wrote in their 2005 assessment of the constitutionality of section 83.28 of the Canadian Criminal Code:

The challenge for democracies in the battle against terrorism is not whether to respond, but rather how to do so…. Consequently, the challenge for a democratic state's answer to terrorism calls for a balancing of what is required for an effective response to terrorism in a way that appropriately recognizes the fundamental values of the rule of law (Loukidelis, 2005).
The rhetorical shift staged by the pragmatic balancing (Posner, 2006) of state security against ‘the rule of law’ - instead of, for example, individual rights - indicates a change in the value-objects of evaluation. While a successful balance in 1986 lay between establishing an equilibrium between two security ends, the security of the state against the security of the individual, the 2005 framing of post-9/11 determinations weighs two security means, the exercise of government powers against the law of the land (i.e. how to do what must be done and remain within the law). Security is here framed not as an objective state of freedom from threat, but as a site of contention between competing processes and practices.

A key problem with ‘deploying the rule of law in reacting to chaos’ is that the determination of ‘exactly which rule of law applies (and where) may prove a complicated [and debatable] question’ (Forcese, 2008: 26). This ambiguity of legal limit is advantageous for decision-makers in times of crisis or emergency when ‘the legal field of action is more open to governments than in times of normalcy’ (Forcese 2008: 35). It is important to note that law is not suspended under ‘emergency conditions’ – although in its effects it may appear as such – on the contrary, it is through the law, claimed on the grounds of necessity and in the name of security, that existing laws are subordinated or reinterpreted in order to circumvent legal barriers and allow for emergency, and in the case of terrorism, preventative measures to be sanctioned and put into practice (R. V. Ericson in Larsen and Piche, 2009: 209). Thus, for proponents of the utilitarian logic behind the expression ‘the constitution is not a suicide pact’, the cost-benefit calculus of reasonable and appropriate action justifies and even demands that conventional constitutional values, such as full individual rights and freedoms, be limited or overridden in the face of security threats. As Richard A. Posner argues in Not a Suicide Pact: The Constitution in a Time of National Emergency (2006): ‘The safety of the people is the supreme law: All other particular laws are subordinate to it, and dependent on it’ (Posner in Khawaja, 2007: 106). But as introduced above, the questions to follow such claims are
safety decided by whom? for whom? who are ‘the people’ and who are excluded from such recognition?

For Judith Butler (2007), it is the central role of the state as a securitizing agent that illustrates the inherently paradoxical relationship at the heart of today’s liberal democratic ‘nation-state’ and ‘multi-nation’ (Butler 2007). The state signifies the legal and institutional structures that delimit a certain territory and provides and enforces ‘the obligations and prerogatives’ of citizenship, the state can equally serve to expel and suspend modes of legal protection and obligation for some. The state is thus a set of conditions and dispositions that ultimately account for the ‘state we are in’ (Butler and Spivak, 2007); a fact that becomes all the more salient when we are faced with a sudden, generally unexpected occurrence or circumstance that, we are told, requires immediate action in order to preserve our ‘way of life’ (Khawaja 2007: 98).

Invoking a critical conception of the nation-state, Butler’s understanding of security sees it as a condition of both the individual and the state, but as the state has complete control over the enactment of violence, the individual has no security from the threatening anarchic world without the state’s protection. If by ensuring its own survival, and the survival of those within its territory, the state resorts to acts of violence against its own people, the (liberal-democratic) state will propose that such acts are exceptional and thus justifiable, and the citizenry - recognizing that ultimately it is the rights of a minority/enemy/outsider that are to be sacrificed for the sake of the majority (Farrow, 2005) - accepts that such a price cannot be as bad as the condition of being without such measures (Walker, 1997: 76).

As a means of establishing legitimacy, sovereign states have historically claimed legitimacy through the provision of security and protection of its citizens (Nyers, 2004). But as Freedman (2005) suggests, legitimacy is an ‘elusive quality’ involving questions of ethics, analysis, and in so far as legitimacy is a claim, a recognition that the ‘idea of legitimacy retains the … relation between law, as a legitimizing practice, and political
power is an important stake that structures political debate and practice’ (Huysmans 2008: 174), and one that is ultimately played out in and through the figure of the citizen. It is thus via the security relationship between the state and society that the state becomes legitimate by performing its necessary function of upholding citizenship rights and duties (Maybee, 2003).

However, as was introduced above, in times of alleged emergency, governments notoriously respond to these perceived, constructed or real threats to state security by pushing for or deciding on ‘exceptional’ practices that, in their effects, radically separate power from law, but in their becoming are precisely sanctioned through the law. This is explicit in Lord Steyn’s (2003) characterization of how liberal-democratic government responds to threat, where ‘[i]ll conceived rushed legislation is passed granting excessive powers to executive governments which compromise the rights and liberties of individuals beyond the exigencies of the situation’ (Lord Steyn, 2003). Both the rashness of the legislative changes, and the recognition with hindsight that the expectation of danger is exaggerated, remind us not only of the inherent asymmetry of represented interests in emergency decision-making but also the role that fear plays in recognizing the emergency and in ‘balancing’ responses to it.

3.4 States of Exception: A Politics of Fear

As an object of analysis it is only ‘when a threat to the prevailing political order has reached a point of where it constitutes an “emergency” and requires the suspension of normal rules and procedures’ (Williams, 2003: 518) that the outer limits of political power and ‘security management’ employed by the liberal democratic model, comes to light (Huysman, 2008). This ‘politics of exception’:

draws a battle line between positivist legal approaches endorsing the legal procedural circumscription of political power and decisionist approaches endorsing the necessity to retain the capacity to politically decide when and how to transgress these procedures ‘when the circumstances demand it’ (Huysman, 2008: 168).

That governments have the right to decide on ‘necessity’ and the use of prerogative
powers as something sanctioned *through* the law under certain circumstances has brought many authors (Huysman, 2008; Agamben, 2009; Muller, 2004; Williams, 2003) to argue that the specter of realist scholar Carl Schmitt remains the foil of liberal governance today. In response to questions of how societal forces enter and bear upon the political realm, Schmitt sought to conceptualize a state that could resist societal struggles that threatened to fragment it. ‘The unifying element of this state, i.e. the specific political distinction to which all political action and motives could be reduced, was in the distinction between the friend and internal enemy: ‘[T]he essential political moment is when the friend/enemy opposition intensifies to such an extent that the normative legal constraints upon political power have to give way to the necessity of facing the enemy’ (Schmitt in Huysmans, 2007: 26). But how do you know who your enemies are? Schmitt’s answer is clear; it is the sovereign’s decision. By definition, the sovereign is the one who decides on the ‘state of exception’. It is only in this determination that a ‘pure’ political act is performed, for it is the sovereign who both recognizes and decides that an existential threat exists and in so doing, by law, can take it upon himself to suspend all law. ‘Thus, by choosing the ‘enemy’ as the organizing principle of the political, Schmitt performs politically something very momentous: He renders politics into a politics of fear’ (Huysman 2008, 170), a practice incommensurable with liberal governance.

Integrating a political system around fear of the enemy is a dictatorial principle of governance that reinforces executive authority and that organizes politics around the idea that people out of fear of the enemy surrender their individual capacity to interpret and act in the world to the leadership. *The political leadership absorbs political agency* (Huysmans 2008: 170, emphasis added).

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17 For a more advanced discussion of how Schmitt’s atheistic political-theological became the ideological foundation of the Nazi dictatorship, and a justification of the Führer state with regard to legal philosophy, see Gross, Raphael, (2007) *Carl Schmitt and the Jews: The Jewish Question, the Holocaust, and German Legal Theory*. Madison: University of Wisconsin Press.
It is not surprising that in making the case for ‘the constitution is not a suicide pact’, Posner adopts a Schmittian logic where politics must ‘win-out’ over the law when the identified enemy has been recognized: the ‘crazy’, ‘murderous’ Islamists who menace the United States (Posner, 2006).

In applying Schmitt’s theory to post-9/11 Western democratic governance, Giorgio Agamben (2005) privileges not the power to decide, but the logic of the exception as constitutive of sovereign power. In today’s contemporary politics, Agamben argues, the suspension of the law is no longer the exception but the rule. If ‘sovereignty’ is the unifying defense of the state for Schmitt, exception-as-the-rule marks the core of Agamben’s. However, in order to grasp the significance of Agamben’s position, it is important to first look briefly to the influence of Michel Foucault’s conception of biopower, to which Agamben’s work responds.

In his investigation of The History of Sexuality (1978), Foucault suggests that contemporary modes of power are characterized by the deployment of ‘numerous and diverse techniques for achieving the subjugation of bodies and the control of populations’ (Foucault, 1978: 140). In essence, biopower is a form of power that is ‘centred not upon the body but upon life’ (Foucault, 1976: 149). For Foucault, biopower is a two step procedure: first, it seizes power over the body in an individualizing mode, such as through disciplinary technologies of surveillance and training; then, it seizes power that is not individualizing but rather ‘massifying’, directed not at the body, but at the species itself. The coordinating of these procedures constitutes for Foucault a ‘biopolitics’ of the human race (Foucault, 1976: 243). The new technology of biopower is a new body, ‘a multiple body,’ a population that must be dealt with as a political problem, both in terms of ‘the science of the political, as a biological problem and as power’s problem’ (Foucault, 1976: 245).

Biopower’s development of techniques of administering populations is what Foucault refers to as governmentality. Just as confessions relating to sexuality came to
generate sexuality itself, governmentality produces techniques and procedures
designed to govern the conduct of both individuals and populations at every level of life.
In simple terms, governmentality refers to the ‘contact between the technologies of
domination of others and those of the self’ (Foucault quoted in Simons, 1995: 36). Thus,
as a technology of biopower, governmentality is able to deploy processes of control
which enact on its targets (body, soul, actions, desires, identity) in increasingly virtual,
lighter, more supple, more saturated ways, producing more intense, more efficient, more
widely dispersed, and more economically viable effects (Neal, 2008).

A particularly insidious aspect of biopower is in its relationship to punitive
discourses. Through the production and intensification of scientific expertise, judicial
determinations of guilt shift away from causes of the criminal act, to determining the
nature of the criminal subject. Inquiry into the past or upbringing of this subject is not to
understand the cause of deviancy but rather to identify within the accused, a delinquent
being. ‘The delinquent is to be distinguished from the offender by the fact that it is not so
much his act as it is his life that is relevant in characterizing him’ (Foucault as quoted in
Neal, 2008: 46).

Many academics (Neal, A.W., 2006; Morton, S. and S. Bygrave, 2008; Dillon, M.
and A.W. Neal, 2008; Tagma, H.T., 2009) have argued that today’s U.S. led War on
Terror presents a contemporary example of a biopolitical response to the state’s crisis of
finding individuals within it, citizens, who have fallen outside of power’s grasp. These
deviant lives today are produced through the appearance of a new enemy subject, the
religious fundamentalist Muslim.

Armed with Foucault’s conception of bio-politics, Agamben engages Carl
Schmitt’s project of political theory and its articulation of exceptionalism. In Schmitt’s
theory of the state the sovereign is one who decides on the state of exception, whereby in
response to the recognition/decision that an existential threat exists, the sovereign decides
- by law - to suspend all law. In contrast, Agamben privileges not the power to decide,
but the logic of the exception as the constitutive logic of sovereign power. In today’s contemporary politics, Agamben argues, the suspension of the law is no longer the exception but the rule. Thus if sovereignty as the unifying defence of the state is at the core of Schmitt’s theory then exception-as-the-rule marks the core of Agamben’s.

For Agamben, sovereignty is a paradox in that the sovereign is both part of and external to the judicial order (Agamben, 1998). ‘[T]he sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law (Agamben, 1998: 15). Thus at the heart of this paradox is how sovereignty is the means by which the limit (both as end and in principle) of the judicial order is articulated. As Schmitt argued, the state of exception is constitutive of the juridical order in the sense that no rule exists without an exception: ‘Order must be established for juridical order to make sense. A regular situation must be created, and sovereign is he who definitely decides if this situation is actually effective.’ (Schmitt as quoted in Muster, 2004: 173). If this is so, argues Agamben, then sovereignty is not established after the state of nature (a Hobbesian concept adopted by Schmitt), but rather, through the sovereign’s declaration of the state of exception, that the state of nature and the rule of law are simultaneously constituted. This move reduces (some) subjects to bare life. Thus, ‘The originary relation of law to life is not application but abandonment’ (Agamben, 1998: 31).

In the camps of Nazi Germany, Agamben finds an exemplary administrative space where the state of exception becomes the rule of the everyday. ‘What happened in the camps so exceeds (is outside of) the juridical concept of crime that the specific juridico-political structure in which those events took place is often simply omitted from consideration.’ (Agamben, 1998: 166).

The prisoners, confined within a juridico-political site of abandonment are denied the status of full citizenship leaving them to assume the subjective position of Homo sacer, a term from Roman law meaning scared or accursed man to designate a person who is banned from civil society and thus can be killed and yet is too low a life to be
sacrificed in religious ritual. In the camps, the individual, *Homo sacer*, is at once physically alive (can be killed), but is denied the protections of the community, i.e. the citizen is denied the respect of the vulnerable Other and is situated as a ‘naked life’, abandoned by law and administratively attended to en mass. For Agamben, the logic of the camp is the *nomos* of today, where the sovereign as *nomos*, the living law, is the ‘fundamental biopolitical paradigm of the West’ (Agamben, 1998: 113). For Agamben, that the exception has become the rule in contemporary politics means that it is not just some subjects who are fundamentally abandoned by the law, but rather, that ‘we are all virtually *hominis sacri*’ (Agamben, 1998: 115).

Agamben is criticized for reifying Schmitt’s ‘raw politics’ which finds the law trumped by the political supremacy of the *a priori* sovereign state in times of crisis; a process that excludes from consideration the influence and agency of state, non-state and social actors (Neil, 2006). That Agamben falls into the same pervasive trap of those performing a cost/benefit calculus of the balance of the constitutional ‘pact’ only serves to remind us again of how difficult it is, not only to make a case for, but to think of security outside of the state, particularly when it is constructed through a politics of fear.

Another consistent critique of Agamben is equally a critique of his reading of Foucault (Neil, 2006). In articulating a sovereign state that stands over and above *naked lives*, Agamben, like Schmitt not only reifies the notion of the *a priori* state but also constructs their arguments around the structural relationship between objects, subjects and concepts where the exception is constituted as an object through imperative discourses and practices (Neil, 2006: 39). What is fundamentally neglected, however, and what reduces arguments of exception to jargon for some (Huysman, 2008) is in the unreflective treatment of concepts such as threat, danger, necessity, security, and law as self-evident. As scholars such as J. Huysman (2008) and A. W. Neil (2006) point out, problematizing such terminology was essential to Foucault’s genealogical analysis and is necessary in order to address critically the full range of discursive practices being
executed and dispersed through their use (Neil, 2006: 39). Butler, on the other hand, understands the state as a discursive ‘subject’ who, out of self-assertion, enacts state powers. But these enactments are ultimately performances, much like speech-acts, that when asserted work to (re)constitute its state-identity through having its position recognized. It is the need for recognition that announces the discursive nature of the state.

This is exemplified for Butler (2004) in the aftermath of 9/11 in the emergence of a new state-subject, ‘the United States of the War on Terror’:

> When the United States acts, it establishes a conception of what it means to act as an American, establishes a norm by which that subject might be known. In recent months, a subject has been instated at the national level, a sovereign and extra-legal subject, a violent and self-centred subject; its actions constitute the building of a subject that seeks to restore and maintain its mastery through the systematic destruction of its multi-lateral relations, its ties to the international community. (Butler, 2004: 41).

In strong opposition to contemporary applications of Arendt’s (1958) ‘citizenless’ subject and Agamben’s homo sacer to detainee abuse and detention debates (this will be discussed below), Butler argues that ‘We are not outside of politics when we are dispossessed in such ways… This is not bare life, but a particular formation of power and coercion that is designed to produce and maintain the condition, the state, of the dispossessed’ (Butler, 2004: 5). This is not a position of exile. On the contrary, the individual has not ‘left some place and then arrives at another’ but rather as a subject is expelled from belonging, both contained and dispossessed, ‘without ever knowing where one has arrived’ (Butler, 2004: 18).

Butler here has is mind the subject of the refugee, citizens living in the West Bank, and the prisoners of Guantanamo Bay (like Omar Khadr), Abu Gharib and other sites of detention in the War on Terror. These individuals are ‘jettisoned subjects’, ‘threatening’ citizens who find themselves in a ‘state imposed state of finding oneself stateless’ (Butler, 2004). These individuals who appear to fail the test of ‘social intelligibility’, of being a recognizable Other, include those individuals or groups ‘whose age, gender, race, nationality, and labor status not only disqualify them for citizenship but
actively "qualify" them for statelessness’ (Butler, 2004: 15). In contrast to Arendt and Agamben’s understanding, the stateless are for Butler ‘not just stripped of status but accorded a status and prepared for their dispossession and displacement; they become stateless precisely through complying with certain normative categories…In different ways, they are, significantly contained within the polis as its interiorized outside’ (Butler, 2004: 16).

Through Butler’s lens, a case like Omar Khadr - the only Western citizen of Guantanamo Bay not to have been repatriated by his native country of citizenship, Canada, and denied the protections of child soldier designation - is ripe for analysis as it raises the questions of statuses of the ‘state’ and ‘citizenship’ today: What does it mean for an adolescent Canadian citizen boy of 15 not only to be contained but ‘dispossessed’ by Canada? And what does it mean to be ‘uncontained’ from Canada and effectively given over to other forms of power (i.e. the U.S.’s Guantanamo military commissions) that may or may not have state-like features? It is the movements between uncontained to contained (incarcerated) and possessed to dispossessed that articulates an experiential element that other theories neglect.

But this experiential important analytical element, the experience of being imprisoned in Guantanamo Bay, is not limited to the contained individual. On the contrary, when the actions of the state are understood as being in coordination with an acquiescing constituency (McDonald, 2008), then the experiences of these political communities that legitimize casting-out or social expulsion must be of equal relevance (Wibben, 2008; Hoogensen and Rottem, 2004).

3.5 ‘Demonstratably Justify’?

If there is a commonality among the approaches presented above, it is that they each attend to the logics by which states establishes a criterion of reasonable limits, i.e. where elite policy-makers and the ruling government determine what is the normal state of things, what is exceptional circumstance, and what must be done in response. What is
not addressed is the second criteria specified in the *Charter*: the fact that state actors must ‘demonstrably justify’ to themselves and ‘the free and democratic society’ the logic of curtailing civil liberties and rights when proposed.

As discussed in detail in Chapter Two, securitization is a concept that designates when:

an issue is presented as posing an existential threat to a designated referent object (traditionally the state). The special nature of security threats justifies the use of extraordinary measures to handle them. The invocation of security has been a key to legitimizing the use of force, but more generally it has opened the way for the state to mobilize, or take special powers, to handle existential threats (Buzan and Waever, 1998: 21).

Therefore, the securitization of citizenship can be understood as a process that determines who can and cannot access full rights of citizenship and is enacted successfully when an individual, family or group who has been authoritatively identified as posing an existential threat to the state (or its people) can be ‘justifiably’ limited in their capacity to access full citizenship on the grounds that such actions will reduce insecurity. But what this understanding of securitization and the securitization of citizenship implicitly takes into account is that others must accept the act of securitization as legitimate in order for it to work. Thus security is a symptom of a security racket, not a security pact (Tilly, 1985).

In the language of John Searle - upon which the conception of securitization is based - the process of securitization is a declarative speech act where the speaker ‘is trying to cause something to be the case by representing it as being the case’ (Zizek, 1992: 97).

The distinguishing feature of securitization is a specific rhetorical structure...That quality is the staging of existential issues in politics to lift them above politics. In security discourse, an issue is dramatized and presented as an issue of supreme priority; thus by labeling it as security an agent claims a need for and a right to treat it by extraordinary means (Buzan et al., 1998: 26).

Therefore, ‘[I]f he succeeds he will have changed the world by representing it as having been so changed (Searle in Zizek 1992: 97). Here, in the relationship between the
protector and the protected, the protected loses all autonomy and is dependent on the protector who defines the threat and response to it (Wibben, 2011: 22).

Contrary to traditional security frames, exceptionalizing and securitizing acts of the state appear not as the product of decisive rational decision-making based on objective methods of measuring, evaluating and estimating risk (Mythen and Walkate, 2008) but as the effects of much larger sets of discursive practices that ‘inscribe state sovereignty and national identity as the privileged reference point for security’ (Hansen, 2006). It is when national identities are securitized that their negotiability and flexibility are suppressed, but for some, it also marks a time when they can be challenged, denied, or transformed (McSweeney in Williams, 2004: 519). For these scholars, contrary to state or elite-centred theories of decision-making, the actions of the state are not immune to public opinion or international pressures. While Robert Putnam (1988) outlines this in much detail in his ‘two-level games’ account of diplomacy and domestic politics (Putnam, 1988), even classic realist scholar, Morgenthau, argued that legal and moral norms have effectively ‘tamed’ state power even in times of violent conflict:

the fact of the matter is that nations recognize a moral obligation to refrain from the infliction of death and suffering under certain conditions despite the possibility of justifying such conduct in the light of a higher purpose, such as national interest’ (Morgenthau, 1955: 214).

When government acts appear to dilute the rule of law, the question that should organize the stakes of the ensuing debates is not What is the right balance between citizenship and civil liberties? But rather what kind of state is being constructed through the securitization of particular citizenships? And under what conditions does this appear justifiable to itself and those whose rights it seeks its protections? As Razack (2008) explains, the existence of exceptional ‘laws that suspend the rule of law’ (Razack, 2008: 11) that most endangers the rights of citizens, but the conventions of practice and the failure of decision makers and constituencies alike to question the ‘self-evident’ grounds upon which they arise.
Policymaking is thus understood as a social practice that creates the effect of a national identity through the production of national security, positing as objectively real a ‘relational totality that constitutes and organizes social relations around a particular structure of meanings’ (Doty, 1996: 126). For constructionist security analysts, processes of defining are synonymous with processes of naming and identity, and the ways in which ‘the meaning of security is tied to historically specific forms of political community’ (Walker, 1990: 5). But the identification of this historical collective is necessarily political. For example, as many a commentator has argued, Canada lacks a foundation myth upon which to definitively construct a national identity (Brodie, 2009). As Janine Brodie (2009: 687) offers: ‘Canada was not born out of a revolutionary war against its colonizers or the struggles of “a people” for self-determination. Instead Confederation represented a political compromise between two white settler cultures, and an amalgam of former British colonies’. Brodie (2009) continues saying that Canadian claims to political sovereignty and national community have always been ambiguous in practice:

[Canada’s] coming out party was confounded by several key limitations: its final territorial limits were yet to be established; it had only partial political and juridical autonomy from Great Britain; its inhabitants remained subjected of the British Empire and its national community rested on fragile negotiations between Anglophone and francophone white settlers and the racialization and infantilization of indigenous peoples (Brodie, 2009: 694). Despite these ambiguities and roughshod beginnings, the articulation of a shared national identity plays a vital role in articulating not only a people, but also a nation.

Identity is hence best understood as plotted through a multitude of commitments and identifications that provide the structures and horizons by which individuals, groups, societies, [or] polities … determine what is good, what should and should not be, and what one associates with or opposes (Sommers in Guilliaume, 2007: 749). Thus national identities can be thought of as structured by dominant narratives which draw upon symbolic resources in order for national identity to be performed, maintained and/or transformed (Guilliaume, 2007, 751). In an integral way national identity tells us ‘who
we are and how we came here’, but the narrative is not static, it is not fixed, and thus must be constantly (re)constructed. If a national identity is effectively an ‘imagined community’ (Anderson, 1983) determined by and reiterated through naturalized discourses of security (i.e. ‘values’, ‘exception’, ‘necessity’) then practices of security and the construction of national identity can be understood as mutually constitutive (Campbell, 1992: 55).

Through this lens, dichotomous oppositions established through policy-making and state actions - not just inside/outside but those that follow, i.e. citizens/noncitizen, friend/enemy, security/insecurity, domestic/foreign policy - are to be understood as mutually constitutive and constructed as an ongoing practice of identity and thus security construction. That is, in so far as meaning is established around these dualities and that such crystallization of meaning is the aim and work of practitioners of policy and statecraft, then each side of a dichotomy must be understood to be not divided from, but in constant tension with the other. Because the distinction is not natural but posited the line that divides them must be regularly asserted, defended and (re)constructed. It is as a site of contention that the possibility of resistance appears.

Of course, opening a space for dissent and contention is not as easy as it may theoretically appear as national identity and qualifications of belonging are at once posited and accepted as self-evident within the politics of one’s historical era (Douzinas, 2007). Therefore the challenge today is to escape the horizon of the politics of fear that has been instilled in Western democratic governments since September 11, 2001. As Neal (2006) argues, in order ‘[to] avoid the pitfalls of other approaches to exceptionalism, the contemporary political problem should be described neither as a full-spectrum break in history in which “everything changed”, nor as a confirmation of the formal sameness of sovereignty, security and modern politics’ (Neal, 2006: 36). By looking at the history of security discourses and the ways in which they have been utilized and transformed, it becomes clear that the question of import is not whether the state can survive without
sacrificing constitutional rights, but rather how do the discursive practices of security policy enact or reflect citizenship ‘design’ (Weber, 2008) and commensurably constitute the identity of the political community? (Weber, 2008: 127). This will be demonstrated in Chapter Six.

### 3.6 Citizenship as the Right to Have Rights

As Thomas J. Biersteker and Cynthia Weber (1996) put it, a state’s criteria for national citizenship as articulated by government and juridical authority and the way that these standards are normalized through their being evoked through naturalized everyday discourses ‘constructs the foundation of a state’s identity, the nation’ (Biersteker and Weber, 1996: 13-14). Thus Walker's (2002) conception of citizenship as a process of ‘drawing of lines’ also speaks to the way that citizenship designates a spatial component of practices of state production in the form of borders and sovereignty. This was evidenced in Christopher G. Anderson (2008) study of citizen revocation policy in Canada [pre-Bill C-24]:

> [A]lthough the structural mechanisms—the "institutional arrangements [and] rules"—of revocation have not changed, the ideational field ("the understandings that guide and shape ... policy decisions... of states, problem definitions by states and citizens, and claims-making by citizens") has altered significantly since the early 1990s... [S]harp lines have now been drawn between those (including the government and officials) who believe that citizenship constitutes a privilege that can be removed for foreign-born Canadians with relatively little judicial oversight and those (including parliamentarians and civil society actors) who hold that it is a right that cannot be taken away in the absence of a relatively high standard of due process (Anderson, 2008: 99-100).

As Doty (1996) points out, the making stable of state boundaries and borders, particularly in times of claims of ‘threat’, is not a function of territory or authority relations but rather is ‘a function of a state’s...ability...to impose fixed and stable meaning about who belongs and who does not belong to the nation’ (Doty, 1996: 122).

For Etienne Balibar, citizenship is not only an institution (i.e. a foundational ideal), but ‘is in a sense the institution of institutions, which commands all the others’ (Balibar, 2004: 23). In other words, citizenship is the lens through which all other
political institutions can be measured: the nation-state, national identity, sovereignty, borders, and human rights. The ideation of citizenship today - the understandings that guide and shape ... policy decisions... of states, definitions of states and citizens, and claims-making by citizens (Anderson, 2008) – is not fixed nor does it convey a universal model of understanding. Rather citizenship is a key site of conflicting tendencies where citizenship’s invocation of community and universality is confronted with its intrinsic antinomies, rooted in productions of exclusion, difference and otherness (Balibar, 2004). For Balibar, not only is citizenship always in a process of dialectical transformation, but the stakes of today’s reasoning - that there exists an intrinsic relationship between citizenship (as a process of providing protections to some and not to others) and the political community - is also not fixed, natural or intrinsic, but is historically specific to today’s citizenship discourses.

Critics of rights-based theories of citizenship studies (Barber, 1996) point out that theoretical championing of abstract universal citizenship is at odds with and can even undermine the actual ability of subjects to assume ‘substantive citizenship’. As Balibar vehemently argues, citizenship discourses do have real effects. That is to say that in today’s post-9/11 world that the ‘positive institutional rights of some have been destroyed’ is, as Butler (2004) and Balibar (2001) insist, not a speculative or academic pronouncement, but is an account of concrete lived realities, whose significance cannot be measured in the balancing of state survival vs. civil liberties.

[I]n a given historical context where citizenship and nationhood are closely associated, individuals and groups are chased out of their national belonging or simply put in the situation of an oppressed national “minority” – the basic rights which are supposed to be “natural” or “universally human” are threatened and destroyed (Balibar, 2001: 19).

For some scholars, like Peter Nyers (2004), the present represents dangerous and ‘dark times’ for citizenship, as he asks: ‘What’s left of citizenship?’ (Nyer, 2004; Bhandar, 

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18 Balibar notes, for example, that the social and moral conditions of classical Greek notion of citizenship are not as they are today, though invocations of the City-State are often posed as if they are so (Balibar 2003: 23).
2004). But for other scholars, these essentialist engagements further obfuscate the stakes of what citizenship means today:

To ask 'what's left?' is to suggest some process of decomposition, where some idealized 'citizen', 'sovereign' or 'authority' has decayed, leaving only a slightly recognizable carcass to be contorted to suit contemporary political ends (Muller, 2004: 280).

Again, citizenship and citizenship rights are not fixed. They remain the objects of political struggles acting to defend, reinterpret and extend them. Who is involved in these struggles, where they are placed in the political hierarchy and the political power and influence they can yield will help to determine the outcomes. Citizenship thus emerges as a dynamic concept in which process and outcome stand in a dialectical relationship to each other (Lister, 2003: 35). Within the context of the project presented here, the important question is not whether a piece of legislation is good or bad or to see the appearance of the jettisoned subject as a symptom of Canadian citizenship in decline; the critical question for me is how did this policy of expulsion emerge?

It is here that some of the most significant aspects of the relationship between security, the state and citizen are realized. As Isin and Turner (2007) explain, the struggles associated with recognition and citizenship rights for all citizens, particularly for religious and cultural minorities, are an aspect of the more complex issue of the relationship between human rights of people as humans and the rights of citizens as members of a nation of state. Human rights, as Rawls put it, is ‘a special class of urgent rights that protect people…[and] are deployed in states of emergency where states have failed to protect their people’ (Rawls in Isin and Turner, 2007: 12). Unlike rights associated with citizenship, human rights are not connected to duties and loyalties. And while countries may have ratified international legal and normative agreements (e.g. United Nations Declarations) prohibiting the violation of those rights posited as

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19 ‘What’s left of citizenship?’ was the theme of the 2004 *Citizenships Studies* issue, 8(3). The contributions emerged from a panel presentation entitled 'What's Left of Citizenship' organized by Peter Nyers at the 2004 International Studies Association meeting in Montreal, Quebec.
universally ‘inalienable’, their participation in such agreements as sovereign nations necessitates that they have the legal capacity to opt out. In so far as the ideal of universal human rights is predicated on personhood rather than citizenship, it remains an article of faith, even if no institution outside the state is actually able or willing to vindicate or enforce these rights (Macklin, 2007: 340).

Thus, the enforcement of human rights and commitments is a powerful force within international relations, but whose efficacy is normative, based on standard agreement not an international authority, particular to violation events and instances, and reliant on citizenship. As Hannah Arendt argued, without the capacity to enact one’s right to citizenship, in circumstances where one’s rights are denied, there is no authority left (national or international) that can formally or legally protect that individual’s human rights. Therefore, ‘the right to have rights’ only ‘makes sense for people who already enjoy membership of a political community’ (Isin and Turner 2007: 13). This will be discussed in more detail in the chapters to follow.

3.7 Canada’s Citizenship Regime

Not unlike the double meaning of a ‘suicide pact’ that invokes both a promise and a threat, critical citizenship scholars are interested in the inherently rhetorical, performative, and thus political aspect of security. While the rhetorical gravity of post-9/11 demands for increased security reside in state-centred approaches which view states as ‘configurations of organization and action that influence the meaning and the modes of politics for all groups and classes in society’ (Skocpol, 1985: 26), such framings overlook the complexity of domestic and foreign policy (Putnam, 1988) and ignore how states function as official collectivities whose successful capacity to pursue distinctive goals rely heavily on ‘state resources in relation to social settings within society’ (Skocpol, 1985: 26).

Understood through this lens, the second criteria of establishing ‘reasonable limits’ within the Charter comes to the fore: policy-makers, government leaders, and
government departments – which themselves do not constitute a unitary position - must demonstrably justify to themselves and ‘the free and democratic society’ the logic of curtailing civil liberties and rights when proposed. Therefore, while it is generally accepted that September 11 2001 was the impetus for radical changes in Canada’s domestic and international security, immigration legislation, and surveillance powers, it is equally important to recognize how these policies represent and constitute processes of contemporary social and political realities (Lyon, 2003: 5).

If the rhetoric of a state’s governance of security and its effects on citizenship and civil liberties necessarily calls into question the nature of the state, then it also calls into question the relationship between its communities. The processes through which a state determines the appropriate balance between rights and security is not only a highly contested field but one that is particular to the citizenship regime within which it occurs. As Jane Jenson and Susan D. Phillips (2001) explain, ‘the concept of citizenship regime denotes the institutional arrangements, rules, and understandings that guide and shape concurrent policy decisions and expenditures of states, problem definitions by states and citizens, and claims-making by citizens’ (Jenson and Phillips in Anderson, 2008: 2). The recognition of normative functioning and citizen agency introduces a critical cultural component to the nature of citizenship and the study of citizenship regimes but does not undermine rights-based approaches to citizenship. Rather it situates issues pertaining to the access and denial of citizen rights within a more substantial understanding of citizenship as a function and process of social relations, identity allocation and contestation (Vega and van Hensbroek, 2010: 248).

The importance of situating citizenship within a cultural context has become evident over the past decade as public and political discussions on citizenship and national belonging have become embedded in new discourses of the politics of national security (Anderson, 2008). As numerous scholars of Canadian immigration policy have argued (Roach, 2005; Larson and Piche, 2009), access to the rights of citizenship has
increasingly been subject to national security concerns (Muller, 2004) as nation-states attempt to fortify their borders against external threats by purging undesirables from the inside (Walby and Hier, 2005). Such practices evoked in the name of national security - such as the re-casting of border security systems, national ID cards, anti-terrorism and surveillance laws, and immigration procedures and detention - interrupt for those targeted the possibility of accessing full citizenship rights.

That immigrant groups in general, and Muslim communities in particular, have been the target of increased surveillance, monitoring and identity management, is nothing new within Canada’s history (see Clement, 2008; Blackhouse, 1999). On the contrary, for those with an eye to social and political contexts, these emergent security practices appear only as intensifications of already shifting immigration and security policies that began shortly after Canada first declared itself a multicultural society in 1971. Prompted by a reduced capacity to manage the social diversity and transnationalism that its own policies presented, Canada has since the 1980s shown signs of shifting its citizenship regime from one of integration and inclusion to ‘an exclusive one focusing on the soil, allegiance and loyalty’ (Wong, 2001: 81).

This shift is articulated by historian Jack Granatstein’s position that ‘multicultural policy facilitates unhealthy transnationalism in the form of engagements in “motherland” issues, dual political loyalties, and the import of “old world” conflicts’ (Granatstein, 2007). The result is ‘socially harmful and politically dangerous transnational ties, connections, and identities on the part of immigrants and ethnoreligious communities in Canada’ (Granatstein in Satzwich 2007: 43). Recent amendments to the Canadian Citizenship Act (2009) limiting citizenship by descent to one generation outside Canada, as well as proposed enforcement strategies to ensure language requisites are met for new immigrants (2011) further demonstrates the notion of a citizenship regime shift in Canada that is explicitly concerns with protecting ‘Canadian values’ and citizenship (Joseph, 2017, March 13). For many scholars, such as Sherene H. Razack (2008), this invocation
of ‘Canadian values’ is symptomatic of what Hannah Arendt called ‘race thinking’.
‘By using the concept of national identity and ideal citizen, race thinking constructs some
subjects as racially foreign in order to sustain the reproduction of a national identity’
(Abu-Laban and Dhamoon, 2009: 168). Through the positing of shared social
characteristics [identity], an expressed hierarchy is concealed, namely the ‘long standing
imperial belief that Northern peoples possessed an innate ability to govern themselves
and were by nature more rational’ (Razack, 2008: 8). Conflating discourses of security,
race/racialization and foreignness (Abu-Laban and Dhamoon, 2009), race-thinking
situates Canadians as needing to ‘fortify themselves against the pre-modern racial Others
who do not share [their] values, beliefs, practices, and level of civility’ (Razack, 2008: 8).
This ‘new’ citizenship regime is articulated through claims of safeguarding those deemed
deserving of Canadian citizenship against those Muslim and Arabs who are not.

### 3.8 The Citizen’s Other and the Jettisoned Subject

In a country like Canada, whose popular identity, both at home and internationally,
is synonymous with notions of cultural diversity and tolerance, the stakes involved with
citizenship revocation (legal or social) are high, as the rights of new citizens are pitted
against the constituency’s sense of safety and belonging and the government's desire to
assume broad discretionary powers in the name of national security (Anderson, 2008:
100). Fluctuations in immigration policy (e.g. Canada’s issuing of security-certificates
under s. 77 of the Immigration and Refugee Protection Act) and citizenship regulations
(e.g. the 2003 mandatory issuing of permanent Resident cards by the Canadian
Immigration and Citizenship Department), have shifted state practices, institutionalized
rights infringement, and refined Canada’s national identity by imposing, often explicitly,
a ‘new normal’, a new reality, conveyed objectively as ‘part of how countries and the
international community are trying to stop terrorists and others who are a threat to us’
(Denis Coderre, Minister of Citizenship and Immigration, in Bhadar 2003: 273). These
practices normalize processes of exclusion and constitute those subjects targeted by them,
determined by race or religion, as somehow deserving of exceptional scrutiny and suspicion.

Through these practices, some individuals/groups are determined to be inside, others as outside, while still others are at risk of waking up ousted due to another shift in policy.20 This is the constitutive nature of the nation-state, where the identity of a territorial state is constructed through the articulation (in practice and language) of a stabilized inside (a population organized into a nation around rights and duties) that is clearly delineated from the outside (alternative organizations of this populations). In contrast to a Hobbesian conception of the sovereign state whereby membership in the community is imposed on citizens, and whose will is subjugated to that of the autonomous state, the ideal of the democratic state finds the citizen inseparable from the community of citizens. Thus the designation of ‘jettisonship’ can be seen in relation to modes of belonging determined by the political community. As Butler puts it, as a jettisoned citizen, ‘one is not simply dropped from the nation; rather, one is found to be wanting and, so, becomes a “wanting one” through the designation and its implicit and active criteria’ (Butler and Spivak, 2007: 31).

Over the past decade, a number of monographs and anthologies aimed at examining the production of ‘the wanting ones’ have demonstrated how in the wake of 9/11, distinctions of citizenship, ethnicity and religion have been collapsed into constructions of race and how representations of Arab communities conflate ideas of security, mobility and citizenship (Hennebry and Momani, 2013). Drawing attention to

20 This was the case in Canada following changes to the Citizenship Act of 2009 when 1,800 individuals ‘woke up’ to find that they had formally lost their citizenship as an unintended consequence of the application procedure necessitated by Canada’s participation in the Western Hemisphere Travel Initiative (WHTI), a process which entailed a new requirement that Canadians and Americans provide passports, rather than drivers’ licenses or birth certificates, when crossing their shared border. Within a year, the Canadian government initiated the ‘Wake up, you might be Canadian?’ campaign which aimed to inform some, ‘mostly American’ citizens, that previously lost citizenship could be reinstated, a consequence a legislative initiative that allowed for the reinstatement of citizenship to many (not all) of the Lost Canadians. For more discussion on the Lost Canadians see Lois Harder (2010) ‘In Canada of all places’: national belonging and the lost Canadians.
the diverse histories and experiences of communities, groups and/or individuals in
Canada, who possess *formal* citizenship (legal status and rights), but have been denied
*substantive* citizenship (social recognition and belonging) (Kivisto and Faist, 2007: 16-
17), most of these texts present analysis of the racialization of Canadian citizenship, the
stakes of dual nationalism, and the corresponding processes and practices of alterity
production and national exclusion. Racialization is here understood as ‘processes by
which meanings are attributed to particular objects, features, and processes, in such a way
that the latter are given a special significance and carry or are embodied with a set of
additional meanings’ (Miles as quoted in Jiwani, 2001: 4). As Razack argues, the rise of
‘Anti-Muslim racism, often described as “Islamaphobia”’ (Razack, 2008: 34) became
naturalized in the post-9/11 period. These meanings are grounded in an ideology
amounting to:

…the generalization, institutionalization, and assignment of values to real and
imaginary differences between people in order to justify a state of privilege,
aggression and/or violence. Involving more than the cognitive or affective content
of prejudice, racism is expressed behaviorally, institutionally, and culturally. The
ideas or actions of a person, goal or practice of an institution and the symbols,
myths or structure of a society are racist if (a) imaginary or real differences or
race are accentuated; (b) these differences are assumed as absolute and considered
in terms of superior, inferior; and (c) these are used to justify inequity, exclusion or
domination (Bulhan as quoted in Jiwani, 2001: 4-5).

This functional aspect of race-thinking is central to Edward Said’s (1979)
articulation of ‘Orientalism’, that is, the imaginings and stereotypes of Arab peoples and
cultures of the Middle East and Asia that form the foundation of privileging post colonial
narratives: ‘My whole point about this system is not that it is a misrepresentation of some
Oriental essence – in which I do not for a moment believe- but that it operates as
representations usually do, for a purpose, according to a tendency, in a specific historical,
intellectual, and even economic setting’ (Said as quoted in Salha, 2013). Extending the
work of both Arendt and Said, a number of authors have addressed how in a post-9/11
era, ‘there has been a strong resurgence of an old Orientalism and an immediate
intensification of surveillance, detention, and the suspension of rights for those who are “Muslim-looking.”


While these texts collectively address a wide swath of concerns and inequities relating to, for example, the post-September 11 2001 profiling and discrimination of Muslim Canadians and Arab communities in and through changes to policy and legal frameworks, most authors explicitly argue that these changes mark, not a break with Canadian history where exceptional circumstances resulted in new exceptional responses, but rather an intensification and making visible of systemic colonial and patriarchal belief systems and practices of gender and race based discrimination that persist today. These practices, they demonstrate, constitute the lived citizenship of not only Arab and Muslim communities, but also Aboriginal peoples, other communities of colour, as well as immigrants, refugees and asylum seekers. Such revelations disrupt the mythologies of multicultural, inclusion and tolerance that characterize Canada’s national narrative and challenge attempts to uncouple anti-Muslim racism from its long-standing history.

While I explicitly draw on some insights from these writers in Chapters Six and Seven as a means of identifying particular types of anti-Muslim and racialized discourses,
my more narrow interest is directed at that particular subject of discrimination, the jettisoned subject, the subject of Razack’s ‘casting out’ (Razack, 2008). In order to locate this subject amongst others who are also denied the recognition and benefits of full citizenship, it is necessary to point to particular qualities of the Omar Khadr case, and point to key differences between his case and the case of other individuals similarly situated (e.g. other Canadian citizens that were detained abroad).

For lawyer and scholar Audrey Macklin, that naturalized Canadian citizens and individuals of those nationalities deemed ‘dangerous’ have been made vulnerable to new security practices demands a consideration of the ‘heft of citizenship’, a recognition of the ‘variability in the cumulative content of citizenship experienced by those whose citizenship container is somewhere between empty and full’ (Macklin, 2007: 337). In her 2007 article, ‘Who Is the Citizen's Other? Considering the Heft of Citizenship’, Macklin explicitly engages with the question of social expulsion and the denial of state protection by addressing both legal citizenship (access to territory, diplomatic protection) and social citizenship (fundamental rights, entitlements, equality, human security) in the determination of statelessness (Macklin, 2010).

For fear that rampant invocations of statelessness work to homogenize an array of diverse subject positions and ultimately ‘dulls the critical edge’ that more precise allocations of subjectivities provide, Macklin is cautious about labeling ‘statelessness’ to that ‘array of subject positions occupied by nationals or migrants who are marginalized, oppressed, or otherwise denied full enjoyment of membership rights in a given political community’ (Macklin, 2007: 353). Supplementing the conventional understandings of internally displaced citizens, Macklin looks to provide a functional and interactive understanding of citizenship, ‘rather than a focus on categorizing or labeling the type of citizenship under consideration’ (Macklin, 2007: 335). To this end, Macklin examines citizenship and statelessness not as an either/or proposition, but as ‘idealized representations of presence [full citizenship] and absence [statelessness]’, between which
lie ‘a range of subject positions that most people actually occupy’ (Macklin 2007: 354). Macklin’s conception of statelessness as the limit of citizenship (empty as opposed to full) is useful in recognizing individual experiences of discrimination and struggles for recognition and belonging, and allows (intentionally or not) for the possibility of shifting subject positions as one’s ‘citizenship container’ gains or loses substance. It is also a useful way of conceptualizing those exceptional, spectral, jettisoned citizens (Butler and Spivak, 2007) whose container has (at times) closely approached the position of empty, a site that *most people do not* occupy.

‘Diplomatic protection is predicated on an imagination of adversarial relations between states, so that the protections occur by one state *against* another state’, but as Daiva Stasiulis and Darryl Ross (2006) point out, in the case of the so-called global-war-on-terrorism, ‘collaboration occurs among nation-states against a non-state entity (for example, al-Qaeda) and suspected members of this non-state entity’ (Stasiulis & Ross, 2006: 344). Though diplomatic protection is commonly assumed to be a core entitlement of legal citizenship, as introduced above, a great deal of scholarship has presented numerous examples of Canadian citizens whose dual citizenship has become a liability, hindering rather than enhancing access to liberal rights, privileges, and inclusion within the larger socio-political community (Nyers, 2009). These writers have convincingly detailed how ‘the centering of male dual citizens of Muslim background in the security paradigm, largely reflecting the strategic interests of the United States, has been overdetermined by interstate relations post-September 11, 2001’ (Stasiulis & Ross, 2006: 330).

Highlighting the significance and relationship between legal and social citizenship, the cases of Canadians detained and tortured abroad illustrates clearly the exigencies of the lived experience of citizenship, the dialogical nature of claiming rights and the critical role of recognition and belonging within the political community.
Exemplified by the detentions of Canadian citizens by foreign states, including Maher Arar, Adbullah Almalki, Ahmad Abou-El Maati and Muayyed Nureddin - all detained and tortured in Syria (Forcese, 2007: 106), as well as the cases of Omar Khadr, Abdullah Khadr, Abduraham Khadr, Abousufian Abdelrazik, Aly Hindy, and Suaad Mohammed which highlighted the issues of foreign detention and the rights of Canadians, these high profile cases of Canadians caught in the War on Terror ‘carceral net’ (Jiwani, 2011), bring attention not only to post-9/11 security practices and prejudices but have prompted the criticism that Canada does not do enough to extend diplomatic protection to its nationals (Forcese, 2007: 106), leaving them in effect stateless (Stasiulis & Ross, 2006).

Between 2004 and 2015, the circumstances of these Canadians resulted in fifty-four court cases coming before Canadian courts, most relating to Omar Khadr and his family. The collective effect was that it ‘fundamentally altered the basis on which consular services were provided to Canadians’ (Pardy, 2016). As Gar Pardy’s (2016) report on ‘Canadians Abroad A Policy and Legislative Agenda’ outlines, under the Harper government (2006-2016), ‘numerous policy decisions, including amendments to various laws, were taken that initiated substantial change to Canada’s historical approach in assisting Canadians in foreign countries—known collectively as consular services’ (Pardy, 2016: 5). Pardy continues, claiming that prior to the decade long leadership of the Canadian Conservative Party:

[I]t was rare for a government to be charged with discrimination in providing a service to a Canadian citizen. There were often charges of incompetence, lack of interest or diffidence in such matters, but the idea that there was overt discrimination was not part of the public debate’ (Pardy, 2016: 5).

Though emphasizing the court cases that implicated the Harper government for discriminatory practice, Pardy excludes from his critique the fact that seven of the cases illustrating government discrimination were raised under the Liberal government and that many of the cases that followed were rooted in the actions of the Chrétien government through its treatment of Omar Khadr, his brothers, and the other Canadian Muslim men who became victims of Canada’s intelligence fathering program, Project-O-Canada. With
this important detail in mind, Pardy’s report subsequently suggests that prior to 9/11, if the Canadian government did not vehemently advocate for citizens detained abroad is was likely due to lack of perceived responsibility, political will and/or resources, but that in the case of the government’s failure to advocate for the detained citizens listed above, this was something else, an act of blatant discrimination.

Of the many Canadian citizens detained abroad, only a few cases become the subject of public campaigns. The government’s response to these cases must be understood to be separate from others. As demonstrated in the cases of Maher Arar (as will be shown) and Brenda Martin\(^\text{21}\) when individuals are successfully framed as victims and objects of intervention before the Canadian public, and where support for these individuals rises to a critical mass, it becomes increasingly difficult for governments to ignore the plight of these individuals (*The Economist*, 2009; Shingler, 2013; Guly, 2014).

For Macklin, the ‘availability of diplomatic protection to citizens abroad evinces the heft of citizenship not only between states and at the level of ‘the state-citizen nexus’ but also at the ‘citizen-alien nexus’. At the level of ‘the state-citizen nexus’, the question of diplomatic protection amounts to: ‘In what circumstance would Canada itself incur responsibility for mistreatment inflicted by a foreign state?’ (Forcese, 2007: 103). This issue of legal responsibility presents two logical possibilities for Forcese (2007: 103): ‘first, responsibility incurred because of complicity in the commission of the harm and second, responsibility, flowing from omission; that is, a failure to intervene (or intervene properly) to forestall the abuse’. From the citizen-alien nexus, on the other hand, the

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\(^\text{21}\) Brenda Martin is a Canadian woman who was arrested and convicted for fraud in Mexico in 2008. She remained in custody for two years as she awaited trial. Following a successful public campaign, the Harper government advocated on her behalf. She was charged and sentenced to five years in prison on April 22 2008 and was returned to Canada via a government-chartered jet on May 1 2008 (‘Ottawa pays Brenda Martin's fine to speed up transfer’, 2008, April 25).
question is one of valuing, where the practical availability of diplomatic protection to a citizen abroad is ‘colored by tacit evaluations of the citizen's normative claim to membership in the polity, or by the state's calculus regarding the force of the duties it owes to citizens as against maintenance of good relations with other states’. (Macklin, 2007: 356).

Though it is not typically addressed in the foreign policy literature, it is ubiquitously referenced in the media that public support plays a critical role in determining whether or not the Canadian government will weigh in on the side of advocacy or neglect when confronted with requests for diplomatic protections and repatriation from presumed ‘undesirable’ citizens. While the literature addressing Canada’s expulsion of Muslim and Arab Canadians from civic belonging through the racialization of its security agenda points to numerous examples of discrimination and institutional Othering, it does not respond to - in relation to the cases of Maher Arar, Adbullah Almalki, Ahmad Abou-El Maati, Muayyed Nureddin, Abousfian Abdelrazik and Ghassemi-Shall - how their successful return to Canada was largely ‘boosted’ by successful public campaigns asking for government action (The Economist, 2009; Shingler, 2013; Guly, 2014).

As a Canadian lawyer representing detainees in foreign countries, Paul Champ argues that ‘public shaming’ of the government’s inaction is one of the most effective ways to raise the profile of a client’s predicament and ‘spur action’ (Champ in Guly, 2014). As a constitutional and public litigator Nicolas Rouleau (who serves as executive director of the Council for Protection of Canadians Abroad) put it, ‘[t]he squeaky wheel gets the grease’, thus the client who is not ‘media-savvy’ may not be able to ‘push the right political buttons and might not end up getting as useful or as forceful protection from the government (Rouleau in Guly, 2014). Thus the hinge of the ‘state-alien nexus’ in the domain of diplomatic protection is the public, the constituency, who can, in effect, help deplete or add substance to the ‘citizenship container’ of some (e.g. those Others
detained abroad), and in turn play a critical role in influencing the government’s decision to offer diplomatic protection and/or intervention. Through this lens, the success or failure of appeals to the public to protect or securitize Omar Khadr can be judged by whether or not it generates an ‘ethical crisis’ (Raza, 2014), the reaching of a threshold of public support sufficient enough to mobilize the government to actively and effectively advocate for its citizen to the U.S. government.

3.9 Chapter Summary

As my research explores the case of Canada’s most notorious ‘jettisoned’ citizen, this chapter has pointed to the ways in which the case of Omar Khadr marks a point of intersection between larger antagonistic processes inherent to the relationship between the citizenship and the nation-state and citizens to each other. This chapter has explored how different understandings and discourses of identity, both at the level of the collective and individual, translate into competing ideological and policy positions that have real-life impacts on citizenship, the expression of that membership, and the construction of in/securities. As will be demonstrated below, the case of Omar Khadr presents a unique example of the ways in which Canada and being Canadian shapes and is shaped by the politics of denying protection to a ‘jettisoned’ subject (Butler and Spivak, 2007).

No single narrative can ever be considered total or complete.

-David Campbell (1998b), ‘MetaBosnia: Narratives of the Bosnian War’

As the production of all narratives is necessarily political in the sense that they construct knowledge through processes of interpretation, representation and privileging, and in so far as storytelling is an interested act with intention and purpose, it is important to clarify for the reader that the chronology of events I present below does not exist unproblematically out-there in some objective point in space and time, nor can it be independently deemed important. No single narrative can ever be considered total or complete (Campbell, 1998). As most accounts of Omar Khadr have been created in the absence of his own contributing voice, and as the reports of his crime, capture, detention, treatment, prosecution and release have been chronically inconsistent, complicated, and often inaccurate, the following story cannot claim to be a correct telling of how things happened, however conscientious I have been in its construction. The language I use to describe these events is also not neutral and therefore equally contentious. However, in order to see how and why select events are discursively taken up and deployed by some and excluded by others, it is useful to consider these events and their relation to others. Following David Campbell’s (1998) examination of narratives of the Bosnian War, I have not imposed my own determinations of which events are worthy of inclusion and which are not. The events presented here pertaining to Omar Khadr are included because they have been widely distributed as significant within media reports, parliamentary debates, court documents, published works, and advocacy reports examined within this research project.
4.1 Background: Life as a Khadr

I begin this account by amalgamating details of the Khadr family that were widely circulated to the public. Representations of Omar’s family became central resources in the political bid to construct Omar’s nature, potential, and character before the public. Thus, the language and categorization of Omar’s identity and nomination for securitization was intimately tied to his being a member of the Khadr family.

Omar Khadr’s father, Ahmed Said Khadr, was born in 1948 in Egypt. In 1975, he moved to Canada, residing first in Montreal and within a few months, Toronto (Shephard, 2008). Shortly thereafter Ahmed was accepted into a graduate computer-engineering program and attended the University of Ottawa. His beliefs were largely secular at this time (Shephard, 2008: 43). In 1977, while volunteering at Camp Al-Mu-Mee-Neem in Creemore, Ontario, he met Maha Elsamnah, a young Palestinian woman and devout Muslim who too had recently migrated to Canada. Omar and Maha were soon married and returned to Ottawa in 1978 where Ahmed was employed by Northern Bell Research while working to complete his thesis. At the university, Ahmed joined the Muslim Student Association and became an outspoken advocate of Islamic rule for Egypt. In 1979 their first of six children, Zynab Khadr, was born, in 1981 their second, Abdullah Khadr (Shephard, 2008).

The family moved to Bahrain in 1982 where Ahmed was offered a position at the Gulf Polytechnique University. During this time, Ahmed became sympathetic to the suffering of the people of Afghanistan brought on by the Soviet Invasion, and began to pursue charitable activities. In 1984, he joined Lajnat al Dawa, a Kuwaiti relief

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22 This chapter is indebted to the work of Michelle Shephard (2008) for its summary and chronology of events, particularly in relation to Omar’s life before his capture. Her book, Guantanamo’s Child: The Untold Story of Omar Khadr, is, as Janice Williamson (2012) points out, ‘the only extended investigation of the case’, offering her readers ‘insightful documentation’ (Williamson, 2012: 13) pertaining to Omar’s life and the events surrounding his capture, detention and treatment by both U.S. and Canadian governments.
organization helping Afghan refugees living in Pakistan. In early 1985, the Khadr family settled in Peshawar, Pakistan. This same year, they made several trips to Canada to allow Ahmed to garner financial support for Afghans displaced by the war.

On July 6, 1985, Ibrahim Khadr was born. Suffering from a congenital heart condition, Ibrahim was transferred to the Hospital for Sick Children for surgery. Shortly after, the family returned to Peshawar but came back to Canada again in 1986 where Ibrahim undertook more surgery. Omar, the Khadr’s fifth child, was born on September 19, 1986 in Scarborough, Ontario. On September 25, Ahmed appeared in a Toronto Star article, ““Pretty Toys” Maiming Afghan Kids’, where he told of Afghan children being killed and injured because of brightly coloured Soviet cluster bomblets and landmines that looked like toys (Shephard, 2008).

Later that fall, the family again returned to Peshawar where Ahmed’s commitment to helping the Afghan people became more entrenched. In 1987, he convinced his wife to send their sickly son, Ibrahim, back to Scarborough where he could be cared for by her parents, allowing her freedom to help the Afghan refugee children in Peshawar. In January 1988, Elsamnah returned to Canada with Omar to help care for her son while her parents visited family in the Middle East. During this period, Ibrahim became sick and died in hospital (Shephard, 2008).

Later this same year, Ahmed joined the organization Human Concern International (HCI), a Canadian-based charity operating in Peshawar, which worked to build homes for orphaned children in Akora Khattak and employed refugees to rebuild the Khost airfield. In 1989, the Canadian nurse and humanitarian, Doreen Wicks gave support to HCI by having her own charity, Germs of Hope, send medical supplies to help Afghan orphans (Bill, 1989, October 10).

In 1989, Elsamnah gave birth to Abdulkareem (i.e. Karim), in Peshawar. The Soviet-Afghan War ended later that same year and Ahmed took to campaigning for the Afghan people by giving lectures on Afghanistan and their plight to both Canadian and
American audiences. In October 1989, the Toronto Star newspaper once again provided Ahmed Khadr an opportunity to plead for Western aid to help Afghanistan rebuild and to highlight the plight of Afghan children, claiming that they had the highest child mortality rate in the world. In September 1991, Ahmed gave a fundraising lecture entitled ‘Afghanistan: The Untold Story’ at the Markham Islamic Centre, north of Toronto. While continuing to speak to the suffering of children and refugees in Afghanistan, Ahmed also expressed criticism of the media’s U.S. bias in the covering of the war, the U.S.’s failure to support the mujahideen in its bid for the development of an Islamic government in Afghanistan, and advocated that his audience support the mujahideen cause, saying: ‘Afghanistan’s cause is not an Afghan cause, its your cause; its my cause, too. It’s every Muslim’s cause’ (Shephard, 2008: 35).

In 1992, Ahmed sustained severe shrapnel wounds, injuring his arm, leg, bladder and kidney. Though first treated in Peshawar and then Karachi, under the threat of losing his arm, Ahmed returned to Toronto for more specialized care. While his charity, HCI, claimed he stepped on a landmine while visiting a refugee camp, his son Adburahman would later say that the shrapnel came from a bomb that exploded during a battle. After a successful surgery to save his arm and difficult recovery from his multiple wounds, a ‘crippled’ Ahmed and his family moved back to Peshawar in the fall of 1993 where he returned to his work with HCI (Shephard, 2008: 36). Seen more as Western than Arab, the Khadr family, both parents and children, were known as The Canadians (al Kanadis). Ahmed traveled freely throughout Afghanistan for the HCI due to his connections with various mujahideen leaders, including regions where many Western agencies could not (Shephard, 2008: 43). Now a devout Muslim and desiring that his family be raised in a country under Sharia law, Ahmed sent his two eldest sons, Abdullah (13 years old) and Abdurahman (11 or 12 years) to a militant training camp to learn to shoot AK-47s in 1994, despite his boys being younger than other recruits. Such training was not uncommon for young Afghan boys, though a spy reporting to the British and French
intelligence would later report how immature and undisciplined the Khadr boys were relative to the other recruits.

In November of 1995, the Egyptian embassy in Islamabad was bombed, killing sixteen and injuring sixty. While the Egyptian Islamic groups claimed responsibility, authorities suspected Ayman al Zawahiri as its mastermind, a close friend of Ahmed’s since their meeting in Peshawar in the mid-1980s. A known associate of Osama Bin Laden, Zawahiri and possibly Ahmed too played a role in the Afghan ‘Battle of Jaji’ in April of 1987, when the Arabs of the region fought together against the Soviets. Also implicated in the bombing was Khalid Abdullah, a Sudanese-Egyptian whom Ahmed had arranged to marry his daughter Zaynab. Accused of buying one of the trucks used in the attack, Khalid went into hiding before his December wedding. On December 2, Ahmed was arrested by Pakistani authorities who suspected that he had helped finance the embassy attack through his aid agency, HCI. Ahmed was carrying 750,000 rupees ($29,000) at the time (Thanh Ha and Freeze, 2002, September 7). Ahmed would be aggressively interrogated over the next five days by both Egyptian and Pakistani authorities.

When his detention was officially confirmed on December 14, Ahmed was already hospitalized in Islamabad and had begun a hunger strike to protest his innocence, insisting that his work in Afghanistan was related only to his charity work for the HCI. Leaving Peshawar, Elsamnah and their children joined Ahmed at the prison hospital and also staged a protest at the Canadian High Commission in Islamabad demanding that the Canadian government help their wronged citizen. Meanwhile in Canada, supporters of Ahmed in Muslim communities in Toronto and Ottawa circulated a petition to the Canadian government demanding his release. As well, on December 30, the Toronto Star published a story about Ahmed’s detention and hunger strike, presenting his claim that he was a ‘hostage’ whose ‘last hope’ was that Chretien was coming. ‘Canada’ he argued ‘is
one of Pakistan’s biggest donors of aid and with Chretien’s visit and the economic team coming, we have leverage’ (Shephard, 2008: 54).

In early January 1996, Prime Minister Jean Chrétien, accompanied by an entourage of premiers, academics, business professional and Canadian journalists (i.e. Team Canada) arrived in Pakistan as part of an eleven-day trade mission. Elsamnah relentlessly hounded the press travelling with Chrétien, who were eager to follow the story, and contacted directly a delegate of Team Canada, asking that the Prime Minister address her husband’s case when meeting Benazir Bhutto, Pakistan’s prime minister. On January 15, the Globe and Mail published an interview with Ahmed from his hospital bed. The article emphasized that Ahmed continued to be detained without charge and was ‘a hostage of the judicial system in a foreign land’ (Shephard, 2008: 52-53). The following day, Chrétien met Elsamnah and her sons Abdullah, Omar and Kareem, and posed for pictures with the family. Officially, Canada’s High Commissioner in Islamabad, Marie-Andree Beauchemin believed that suspicions around Ahmed may not be completely unjustified but felt that the Khadr family was receiving adequate support from the Canadian government. Yet in his meeting with Bhutto, Chrétien reportedly asked that she ensure that Ahmed receive a fair trial. This intervention would years later be characterized as a major ‘embarrassment’ for the Chrétien government (Bell, 2002a, September 6).

Shortly after the prime minister’s visit, Ahmed was charged under Pakistan’s Explosives Substances Act and imprisoned in Rawalpindi as he awaited trial. During this period, Elsamnah returned to Scarborough to live with her parents. While her daughters and Abdurahman remained in Islamabad, her sons, Abdullah, Omar, and Kareem traveled with her to Canada. Despite expecting Ahmed to be detained for some time, the family was reunited nearly three months later when Ahmed was granted bail and his charges soon dropped. Ahmed, Abdurahman and the two daughters returned to Canada with their father.
Though HCI was never found guilty of any wrongdoing, its association with Ahmed nonetheless stained the charity’s reputation forcing them to immediately sever ties with him following his arrest. Compelled to return to charitable work in Afghanistan, Ahmed partnered with another Egyptian-Canadian, Helmy Elsharief, to create Health and Education Project International, a charitable organization whose mission it was to open schools and orphanages in Afghanistan. Though Omar (11 years old) and Abdurahman (16 years old) were reportedly happy living in Canada and would have preferred to stay (Shephard, 2008: 59), in late 1996 the Khadr family instead returned to Peshawar.

In August 1996, bin Laden declared war on the United States, calling upon his ‘Muslim Brothers’ to escape the ‘wall of oppression and humiliation’ brought by the ‘USA Crusader military forces…in the states of the Islamic Gulf’ by bringing upon them ‘a rain of bullets’ (Shephard, 2008: 61). Having established a compound just outside Jalalabad, named Najm al Juhad (‘star of the holy war’), Ahmed and Elsamnah decided to move the family to Jalalabad where they made regular visits to bin Laden and his family. The compound was home to more than 250 people and in the spring of 1997, the Khadr family too began to build a house there, though they would not have the opportunity to make it a home (Shephard, 2008: 61).

While Ahmed was in Canada fundraising, and just two days after Elsamnah and her children had moved into their new house, bin Laden ordered the compound evacuated following a for-television interview with CNN reporters that agitated the regional Taliban leader, Mullah Omar. As many in the compound already viewed the Khadr family with suspicion and felt that the older Khadr boys, Abduraham and Abdullah, were unruly and undisciplined, the family was not invited to travel with the bin Laden caravan as they relocated to Kandahar. Elsamnah and her children were left alone to return to Peshawar. In October of 1997, at the persistent request of Khalid Abdullah who had continued to evade arrest in Iran, Ahmed agreed to allow his daughter Zaynab to marry, much to her
protest and those of her youngest brothers, Omar and Kareem. Khalid’s marriage was short lived and in the spring of 1998, six months after their wedding, Zaynab happily returned to her family. While in Tehran, Ahmed met with Pashtun warlord Gulbuddin Hekmatyar, in hopes of convincing him to return to Afghanistan in order to provide political guidance to the Taliban leaders. At the time Hekmatyar was not interested in relocating, however, in 2002, he was expelled from Iran and again found himself in Afghanistan. A year later he would be deemed a terrorist by the United States (Shephard, 2008: 65).

On August 7, 1998, Zawahiri and bin Laden organized an al Qaeda attack on the American embassy in Nairobi, Kenya, killing 213 people, including 12 Americans, and injuring thousands. Nine minutes later, a truck bomb hit the U.S. embassy in Kabul killing 11 Africans and injuring 85 more. In 1999, his now ex-son-in-law, Khalid, was convicted and sentenced in Cairo for his role in planning al Qaeda attacks for Zawahiri’s al Jihad (Shephard, 2008: 67).

Between 1999 and 2001, most of the Khadr family lived together in Kabul. While Abdurahman moved reluctantly between military training camps around Afghanistan, including bin Laden’s ‘flagship camp’, al Fourouk (Shephard, 2008: 67), the rest of the family lived comfortably in a large home surrounded by followers of bin Laden, neighbours who would become notorious after 9/11, including Al Adel, Al Qaeda’s ‘number three’ man, according to American intelligence (preceded only by bin Laden and Zawahiri) (Shephard, 2008: 67).

The Khadr house included a separate wing for Zaynab and her second husband, Yacoub al Bahr (also known as Sameer Saif), a marriage that had been decided through a vote by her brothers (Shephard, 2008: 73). The 1999 wedding for Zaynab was a large event attended by many of Afghanistan’s elite including Zawahiri and bin Laden. When Zawahiri’s daughter, Umayma, was married a short time later in Kandahar, the Khadr family was invited and Elsamnah and the children lived with Zawahiri’s wife and
daughters during the week of celebrations. The women became close friends (Shephard, 2008).

In 2000, a pregnant Zayna returned to Scarborough with her mother so the baby could be born Canadian (Shephard, 2008: 74). In the absence of the women in Afghanistan, Omar took it upon himself to take care of the household including cooking and doing laundry. Shortly after the birth of Safia, Zaynab and Elsmannah returned to Kabul. But after six months, Zaynab and Elsmannah returned to Canada with Safia so the infant could receive treatment for hydrocephalus, ‘water on the brain’. The decision to return to Canada was a divisive one for Zaynab and al Bahr, as he wanted the child to receive treatment in Afghanistan. The two separated and were divorced the following year (Shephard, 2008: 73-74).

In the years following the attacks on the United States on September 11, 2001, the close-knit Khadr family would find themselves separated and on widely divergent paths. On the morning of September 12, 2001, Afghanistan woke to the news of 9/11. When the news broke, Ahmed and his son Abdurahman were in Jalalabad. When later asked about his father’s response to the attack, Abdurahman said his father too was surprised but was excited by them and offered justifications to his son for the attacks. Meanwhile in Kabul, Elsmannah, Abdullah, Zaynab, Omar and Kareem quickly found themselves on the move, fearing that retribution from the United States was imminent and that Kandahar, Kabul and Jalalabad were likely targets (Shephard, 2008: 72). Deciding it best to hide between Ahmed’s numerous orphanages, the Khadrs moved throughout the province of Logar, southeast of Kabul. The Khadrs occasionally returned to their home in Kabul to get supplies and retrieve their belongings from their home. On one such occasion, Omar and Abdurahman returned to Logar with a final load of furniture. While Omar remained in the orphanage, Abdurahman was restless and decided to drive back to Kabul with the driver of the truck. The next day, Abdurahman was arrested by the Northern Alliance and
handed over to the Americans. It would be two years before he was heard from again (Shephard, 2008: 72).

On January 25, 2001, the United Nations Security Council listed Ahmed Khadr as a bin Laden or Taliban or al Qaeda associate. His assets were frozen and he was wanted for questioning outside of Afghanistan. Though Ahmed urged his wife to return to Canada with the children, Elsamnah refused to leave her husband or ‘the cause’ (Shephard, 2008: 79). Both Ahmed and Elsamnah were committed to removing the Americans from Afghanistan.

After the bombing of Kabul, Elsamnah and her children were reunited with Zawahiri’s wife and her daughters who were seeking refuge and together fled from Logar to Gardez. But shortly after they arrived in Gardez, the house where the Zawahiri family was staying was bombed by U.S. forces who wrongly suspected that Zawahiri was residing there. Ahmed and Abdullah tried to rescue the Zawahiri family from under the concrete rubble, but they could not be reached in time (Shephard, 2008: 79-80). The Khadr family, armed with AK-47s and without Ahmed, fled to Zormat, a small village near the Pakistan border, then to Bermel. The Khadr family managed to avoid Operation Anaconda, an attack southeast of Zormat in early March 2002 by U.S. and allied forces, including Princess Patricia’s Canadian Light Infantry and the Canadian Army’s Joint Task Force 2. Having again relocated the family to the village of South Waziristan in Pakistan, Elsamnah, Maryam and Omar were left on their own, with Ahmed and the other boys visiting less and less frequently. As they moved from one ramshackle mountain shelter to another, Omar, now fifteen, was frustrated and restless having been left with the women (Shephard, 2008: 81-82).

Pleading with his father on many occasions that he be allowed to travel like the other boys, Ahmed finally agreed to let Omar stay with some men that he knew. Unbeknownst to Elsamnah, one of the men, Abu Laith al Libi, had been asking Ahmed for Omar’s help. The group was planning on travelling into Afghanistan, near Khost and
al Libi knew that Omar spoke Pashto and was familiar with the Khost region and its people. He thought Omar would be useful and Omar was happy to go. Though he was directed to check in regularly with his mother, Omar had not been seen since July. In August, a friend brought Elsamnah a bag of Omar’s clothes. While Elsamnah sobbed, Ahmed explained that Omar, their favourite son, was not dead, but captured by U.S. forces, ‘It wasn’t suppose to happen like this.’ Ahmed was furious that al Libi was not with Omar in the compound when it was attacked (Shephard, 2008: 82-3).

4.2 Firefight and Capture

While the complete unfolding of events that precipitate the capture of Omar Khadr remain contested, the opening of most narratives is similar. In the morning of July 27, 2002, an elite U.S. Special Forces unit, led by Major Randy Watt / XO Captain Mike Silver, carried out an intelligence-gathering mission in an area outside of Khost where conservative Islamic residents were known to have close ties to the former Taliban regime. The team consisting of the 19th Special Forces Group, the 505th Infantry Regiment and a ‘militia’ of approximately twenty Afghan fighters was sent from the local airbase being used as a U.S. intelligence-gathering hub to search nearby homes and compounds for enemy weaponry. At approximately 1:00 pm, while U.S. soldiers searched a nearby home, they received a report that a monitored satellite phone had just been used 300–600 metres from the group's location (Vincent, 2002, December 28).

Six soldiers, were sent to investigate the site of the call including Sgt. Christopher Speer, Layne Morris and Master Sgt. Scotty Hansen from the 19th Special Forces Group; Spc. Christopher J. Vedvick from the 505th and his fire team. The troops approached an unidentified family compound encircled by towering walls of mud and stone and green metal gate 100 meters away from the main gate (CITF, 2004, March 17). Within the main residence, five ‘well-dressed’ men with AK-47’s had been spotted sitting around a fire. Coming across armed residents was not uncommon, but Morris and company decided to set up a perimeter around the compound and wait, (for what would be 45
minutes), for the rest of their team to arrive. During this time, more than 100 locals were reportedly gathered around to watch the confrontation develop. The firefight that would ensue reportedly took place over the course of 4.5 hours (Vincent, 2002, December 28).

Initially, an Afghan militiaman was sent towards the house to demand the surrender of the occupants, but retreated under gunfire. The occupants were thus deemed ‘unfriendlies’. Next, two other Afghanistan Military Forces (AMF) members reportedly volunteered to enter the compound gate and approach the residence in an attempt to convince the occupants to surrender (Vincent, 2002, December 28). But within a few yards of the entryway, the two men were killed by rifle fire, shot through a portal in the compound wall. Rifle fire was then directed to the forces surrounding the compound and grenades were thrown over the compound walls. The US and AMF forces quickly retreated, found cover and returned fire while calling for ground reinforcements and combat air support. In the midst of the firefight, two sergeants successfully managed to retrieve the bodies of the fallen Afghan soldiers. Reinforcements soon arrived from the 3rd Platoon of Bravo Company under the command of Captain Christopher W. Cirino, the 1st Battalion 505th Infantry Regiment, bringing the total number of Americans and Afghan militia to approximately fifty. As the firefight ensued, grenades tossed from the compound injured Morris, along side Spc. Michael Rewakowski, Pfc. Brian Worth and Spc. Christopher J. Vedvick. Morris was blinded in his right eye by grenade shrapnel that severed his optic nerve (Vincent, 2002, December 28).

To attend to the wounded, a request for assistance was made to the 57th Medical Detachment nearby. Moments later, AH-64 Apache helicopters were deployed to escort two MedEvac UH-60’s to the scene. Providing backup to the ground troops, the Apaches

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23 These soldiers, and Christopher Speer, would later be awarded the Purple Heart for their having been wounded during the firefight (Schult, 2002, August 2).
24 As will be shown in Chapter Six, Morris would become a central figure in representing for Canadian audiences a U.S. military account of the firefight and would later file a successful civil suit (along side Tabatha Speer, the widow of Christopher Speer) against the Khadr family.
bombarded the compound with cannon and rocket fire, while the MedEvacs remained in wait, 12 kilometers away. Just over an hour after the initial request, the UH-60’s helicopters were able to land and the injured were loaded. As the airstrikes continued, a pair of A-10 Warthogs performed gun runs and dropped 500lb bombs on the compound. Towards the end of the bombing, a five-vehicle convoy of ground reinforcements arrived bringing the number of U.S. and allied troops to approximately 100. Shortly thereafter, the MedEvacs left for Bagram Airbase while a final round of bombing raids struck (Shephard, 2008: 3).

Expecting that no one would have survived the air strikes, a ground forces team consisting of an officer referred to as ‘OC-1’, Silver, Christopher Speer and three Delta Force soldiers entered the compound through a hole in the south side of the wall after first throwing a grenade into the complex. According to Silver’s Criminal Investigative Task Force (CITF) witness report (CITF, 2004, March 17), as the soldiers looked through the rubble and the bodies of three firefighters, the sound of something like a gunshot was heard. OC-1 did not hear the initial shot but thought the rising dust in the compound was consistent with a gun blast. Other accounts suggest that the sound was the popping of a grenade fuse that was thrown, exploding behind Silver and near Speer. Struck above the eye with shrapnel, Speer was mortally wounded and would die in a German hospital 10 days later with his wife Tabitha beside him. In a formal report of the day’s events, dated July 28 2002, it is stated that the man who threw the grenade was killed. However, several months later this account was changed (without the date of the report being changed) to read that the man who threw the grenade had been ‘engaged’, shot but not killed (El Akkad, 2008, March 14).

After the grenade exploded, Silver claimed Khadr rose out of the dust and rubble, facing them, with a pistol in one hand and a grenade in another. Two Delta force soldiers shot at Khadr hitting him three times in the chest. While Silver’s (revised) account is consistent with the claim that Khadr was the only surviving fighter in the compound, OC-
1, the only soldier with a first hand account of the ‘close-in portions of the firefight in the alley’, contradicts this account. Having witnessed the grenade ‘lobbed’ over the wall leading to the alley, OC-1 ran towards the alley to escape the grenade blast, firing a dozen M4 Carbine rounds into the alley as he ran past. According to OC-1, a man was visible crouching at the entrance to the alley with an AK-47 next to him. (CITF, 2004, March 17). From his vantage, he could see the man had a holstered pistol and two chest wounds, which he would later credit to his own firing into the alley. OC-1 fired his rifle and shot the man once in the head. He then saw another figure in the dust. According to OC-1’s report, he then saw a second man sitting up facing away from him (CITF, 2004, March 17). He shot him twice in the back. The ‘man’ was fifteen-year-old Omar Khadr.

OC-1 entered the alley and confirmed that the first man he had shot was dead. Moving to the second body, he tapped Omar’s eye to see if he was alive. He was. OC-1 turned him over onto his back so that the body could be searched and cleared by incoming soldiers. He then went to find Speer, unaware that he had been injured. Photos taken of the scene show Omar receiving medical care from the American medics, his injuries - two gaping holes through the top left of his chest and shrapnel wounds to his eyes, most severely his left eye – clearly evident. While being attended to, Omar is reported to have said over and over: ‘Kill me. Kill me’ (Vincent, 2002, December 28). surprising the group with his English. An officer at the scene later recorded in his diary that he was about to order Omar shot when Delta Force officers ordered them not to hurt the prisoner (‘Captured Khadr Nearly Executed’. 2008, March 19). Loaded into a CH-47 helicopter, Omar lost consciousness while he was being treated and transported to Bagram Air Base. He would remain there for the next three months before being transferred to the U.S. detention centre, Guantanamo Bay, in Cuba.

American soldiers returned the next day to search what was left of the compound, uncovering five boxes of rifle ammunition, two rockets, two grenades and three rocket-propelled grenades in the huts. Also discovered was a plastic bag containing documents,
wires, and detonators made to look like Sega game cartridges, and videocassettes.

One of the videos would show Ahmed’s friend, al Libi, and other men assembling explosives while Omar worked with detonating wires. Other footage shows Khadr and the men planting landmines at night. Khadr is shown smiling and laughing with the cameraman in the video. The US would later allege that Omar ‘received one-on-one, private al Qaeda basic training’ during his time with al Libi over the summer of 2002, ‘consisting of training in the use of rocket propelled grenades, rifles, pistols, grenades and explosives’ (University of Toronto, Faculty of Law, 2008, October 22).

4.3 Detention in Bagram

Omar remained unconscious for the first week of his detention at Bagram Airbase and received medical care in a tent hospital with two men: one, an elderly man and the other, a man with amputated legs who would cry out for pain medication. Omar claimed that pain medication was only given at night, with interrogations taking place during the day (Affidavit of Omar Khadr, Khadr v. Canada, 2008). Once awake, Omar was immediately interrogated by U.S. intelligence. In Omar’s affidavit, he claims that the first solider he spoke to, told him that he had killed an American soldier with a grenade (Affidavit of Omar Khadr, Khadr v. Canada, 2008).

In a 2007 interview with the Toronto Star’s Michelle Shephard, one of Omar’s principle interrogators at Bagram, Damien Corsetti (nicknamed ‘Monster’ and ‘King of Torture’ by the detainees) (Shephard, 2008; 2010, January 30), spoke of seeing Omar for the first time: ‘I remember going into the hospital when he came in...He had a hole in the back of his head, or upper back, that I pulled out a can of Coke and held it up to it and he could have fit that can of Coke in the back. ... He was really messed up’ (Shephard, 2010, January 30). Bound to a stretcher for several weeks, interrogators routinely shackled his hands and feet out to the side when they ‘didn’t like’ the answers he gave. This caused him great pain as his injuries were extensive. As Corsetti recalled, because Omar was connected to various monitoring devices, it was easy to read his responses to their
questions and interrogation strategies because they could watch his heart rate become elevated (Corsetti in Shephard, 2008: 96).

After two weeks of hospital care and interrogation, Omar was taken by stretcher to a new interrogation room. There he was left alone for close to three hours. When his interrogator arrived, the soldier questioned and ‘screamed’ at him for another three hours (Affidavit of Omar Khadr, Khadr v. Canada, 2008).

Several times, Omar was forced to sit up in the stretcher causing him much pain. This, he felt, was meant to encourage him to answer the questions being asked:

[T]he more I answered the questions and the more I gave him the answers he wanted, the less pain was inflicted on me. Omar alleges that he cried several times during the interrogation due to his treatment and pain. I figured out right away that I would simply tell them whatever I thought they wanted to hear in order to keep them from causing me such pain (Affidavit of Omar Khadr, Khadr v. Canada, 2008).

Three weeks after his arrival, Omar was transferred to a cell that he shared with more than twelve men. The cell consisted of sawed off crates used as toilets and little else. There was no privacy and prisoners were not allowed to talk (Shephard, 2008). If a detainee was caught conversing with another cellmate, he was forced to stand with a hood over his head with his arms outstretched for extended periods (Begg, 2006).

According to one of his cellmates, Moazzam Begg (2006), the guards had been erroneously informed that the new detainee was ‘belligerent’ and had thrown a grenade at a passing ambulance. Having anticipated Omar’s arrival, the guards treated him harshly once he was in their care. Omar’s punitive treatment from the guards did not improve when they learned he had (allegedly) killed an American soldier. He was routinely forced to ‘work like a horse’, carrying and stacking heavy barrels of water and boxes of food despite his injuries (Begg, 2006: 177). As Begg explains in his book, Enemy Combatant: My Imprisonment at Guantanamo, Bagram, and Kandahar, Omar was often singled out by the guards and berated, with shouts of ‘Murderer! Killer! Butcher!’ (Begg, 2006: 177). Within a month of detention, Omar was no longer called by name, but was referred to
instead as ‘Buckshot Bob’: ‘Bob’ because all detainees were referred to as ‘Bob’, Bad Odor Boys, and ‘Buckshot’ because of his extensive shrapnel injuries and scarring (Begg, 2006).

In the summary of Omar’s affidavit below, Omar claimed that his treatment at Bagram included:

...being treated roughly while having his bandages changed, being pulled off his stretcher during one interrogation, being interrogated in a room with barking dogs and a bag over his head and wrapped tightly around his neck, having cold water thrown on him during interrogations, and having his hands tied above his head to a door frame or the ceiling for ‘hours at a time,’ despite the fact that because of his wounds Omar was incapable of raising his arms that high on his own. He also describes being forced to clean the floors, stack crates of bottled water, as well as carry 5-gallon buckets of water while his bullet wounds were still healing, causing him serious pain. Other treatment described by Omar included threats of rape, as well as threats of being sent to other countries to be raped there, having bright lights shone ‘right up against’ his face, causing pain to the injuries he had suffered to both eyes, as well as being prevented from using the bathroom during interrogations, thus forcing him to urinate on himself (University of Toronto, Faculty of Law, 2008, October 22).

Many of these claims were corroborated by the testimony of his lead interrogator at Bagram, ‘Sgt. C’ (i.e. Damien Corsetti) during Omar Khadr’s 2008 pre-trial military commission hearing.

‘Sgt. C’ told the court that with Khadr he routinely adopted the techniques outlined in the Army Field Manual on Interrogations (United States, Department of the Army, 1992: 314-318), which included the technique of ‘Love of Freedom’, i.e. ‘attempts to gather information through appealing to a person's desire to go home or implying that he was not really an important person’; ‘Fear of Incarceration’, ‘an attempt to gain cooperation in order to return to a normal life rather than be detained’; and ‘Fear Up Harsh’, ‘a technique used as an attempt to raise the fear level of a detainee’. The latter approach is presented within the manual with a strong warning that the Fear Up approach ‘has the greatest potential to violate the law of war.’ As Sgt. C testified, ‘I got in his face, I screamed at him, I cursed because I knew he didn’t like it. I flipped a bench one time’ (Amnesty International, 2011, May 25). He also testified that he twisted the bottom of a
hood around Omar’s neck, pulling him toward him in a rough manner and sticking a water bottle in the detainee’s face and forcing him to drink from it. Supporting Omar’s claim that he was threatened with rape, Sgt. C’s testified that he told Omar the ‘fictitious story’ about a young Afghan boy who had lied and was then sent to a US prison where ‘big black guys and big Nazis’ noticed ‘this little Muslim’ and, in their patriotic rage over the 9/11 attacks, raped the ‘poor little kid’ in the shower, killing him (Amnesty International, 2011, May 25). It was also brought to the court’s attention that Sgt. C was convicted in 2005 for beating another prisoner to death, Dilawar, a Pashtun taxi driver (Shephard, 2008: 94-95).

Over time, according to Begg’s account, a few of the guards grew sympathetic to Omar and talked to him about basketball and cars. As one of his interrogators, Corsetti, said later, ‘Honestly, he seemed like a young kid who got swept up into something because of his family ties and never got the opportunity to make a choice for himself whether it was right or wrong’ (Begg in Shephard, 2008: 96; Henriques, H. and L. Cote, 2010). When later asked by the Toronto Star to qualify the method of interrogations used on Omar, Corsetti responded ‘I firmly believe it was torture and unfortunately I took part in it’ (Koring, 2011, May 4).

On August 20 2002, more than three weeks after his capture, the U.S. government informed the Canadian Liberal government, under Prime Minister Jean Chrétien, that ‘a youth claiming Canadian citizenship’ was being detained. Ten days later, on August 30, the Canadian government formally responded to the U.S. government with a diplomatic query requesting consular access but was denied because Omar was deemed a ‘person under control’ with ‘high intelligence value’. The Canadian government, they were told,  

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25 According to foreign affairs officials, they had first heard of Omar’s capture from their own contacts on the ground and had contacted the United States first to inquire as to the truth of the claim. Initially, the United States denied having Omar in custody but formally responded on August 20th (Jamison, 2005).

26 On February 7, 2002, President George W. Bush announced that the Geneva Conventions concerning the treatment of prisoners did not apply to al-Qaeda members or to Taliban soldiers detained by the United
would be notified ‘[s]hould an enemy combatant claiming Canadian citizenship’ be transferred to Guantanamo Bay, Cuba (Shephard 2008; Freeze and Boyd, 2008, September 6).

On September 6 2002, the Canadian public awoke to the headlines: ‘U.S. holds Canadian teen as al-Qaeda assassin’ (Freeze and Boyd, 2002, September 6), ‘Toronto teen held for terror role’ (Thompson, 2002, September 6), ‘Ottawa seeks access to Canadian teenager: Suspected terrorist's son’ (Alberts, 2002, September 6). The stories revealed that Omar Khadr, a fifteen-year old boy and Canadian-born citizen from Scarborough, Ontario was injured in a firefight in Afghanistan and was being detained as a ‘person under control’ by U.S. forces in Bagram. The youth, it was reported, was allegedly responsible for the death of a U.S. soldier, Sgt. Christopher Speer, ‘medic’ and ‘hero’. Omar, we learn in these articles, is the son of Ahmad Said Khadr, a Canadian-Egyptian suspected of terrorist ties and previously arrested for suspicion of financing terrorism in Pakistan. Within days, the back-story of the Khadr family, as summarized above, is presented to the Canadian public spurring the media to entrench Omar’s story within a broader debate on the degree to which terrorist cell activity is rampant in Canada.

Introducing the issue of Omar’s detention for the public, director general of the consular affairs bureau of the Canadian Department of Foreign Affairs, Gar Pardy crafted a position consistent with Canada’s iconic (and mythical) reputation as a country committed to human security and child welfare:

It is an unfortunate reality that juveniles are too often the victims in military actions and that many groups and countries actively recruit and use them in armed conflicts and in terrorist activities…Canada is working hard to eliminate these practices, but child soldiers still exist, in Afghanistan, and in other parts of the world…The department is concerned that a Canadian juvenile has been detained,
and believes that this individual's age should be taken into account in determining treatment (Thompson, 2002, September 6).

In explaining why the government had waited until now to inform the public of Omar’s detention, Graham responded that they had been notified on August 20th of his capture, but ‘we had to find out whether in fact he really was a Canadian citizen. This is a security matter’ (Thompson, 2002, September 6).

On September 13, an official letter from the Canadian embassy in Washington sent to the U.S. government argued that because of Omar’s age, Guantanamo Bay was not an ‘appropriate’ place for ‘Mr. Khadr’ to be sent (Gorham, 2008, April 18). Citing that, ‘Under various laws of Canada and the United States, such an age provides for special treatment of such persons with respect to legal or judicial processes’ (Gorham, 2008, April 18).

On September 17, two days before his 16th birthday, an interrogation report on Omar Kadr was released by the U.S. government stating that he had confessed to helping the militants he was captured with because he had been told the United States was fighting a war against Islam. When asked if he knew of a $1,500 bounty being offered for each American soldier killed in Afghanistan, he allegedly responded that ‘he had been told about a $1,500 reward being placed on the head of each American killed’ but that it was not ‘clear who offered the bounty’ (Freeze, 2007, June 12). When asked how he felt about the reward system he reportedly replied, ‘I wanted to kill a lot of American[s] to get lots of money’ (Freeze, 2007, June 12). When later asked to reveal her interrogation notes to help explain the inconsistency of her story in relation to other interrogators during Omar’s 2008 military tribunal hearing, the interrogator claimed that her notes had been destroyed (El Akkad, 2008, June 8).

An FBI Agent, Robert Fuller, interrogated Omar again on October 7. Fuller would come to interrogate Khadr seven times (Koring, 2010, April 29). As part of his

28 The significance of designating ‘this’ as a security matter – and the ambiguity of the reference to ‘this’ – will be discussed at length in Chapter Six.
questioning, Fuller showed Omar a black-and-white photograph of Canadian-Syrian Maher Arar and demanded to know if he recognized him. Khadr responded that he did not recognize Arar but after repeatedly being grilled by the agent, stated ‘he felt’ he had seen Arar at a Kabul safe house run by Abu Musab al-Suri or Abu Musab al-Zarqawi (El Akkad and Freeze, 2009, January 21).\(^{29}\) Arar was known to be in North America during this time frame and under surveillance by the RCMP.

The next day, on October 8, Arar was extradited to Syria, where he was detained, interrogated and tortured over 374 days before being returned to Canada. Arar would later be cleared of any wrongdoing.\(^{30}\)

Omar was transferred to Guantanamo Bay on October 30, 2002. Despite assurances by the U.S. government, the Canadian government did not receive formal notification of this move until after the fact, though informally they had been told to expect it. His brother Abdurahman would soon follow, they would speak only once while detained.

4.4 Detention in Guantanamo Bay

The process of Omar’s transfer to Guantanamo Bay was similar to the notorious and well documented stories of other detainees. As a means of preparing detainees for transfer, they were taken to ‘Cell Number One’ to be strip-searched, have their heads shaved, and be photographed (Shephard, 2008). On that day, Omar, along with well publicized detainees, Richard Belmar, Jamal Kiyemba\(^{31}\) and others were dressed in

\(^{29}\) The validity of Omar Khadr's sighting has been doubted in light of evidence that Arar was in North America at the time of the alleged sighting (El Akkad, and Freeze, 2009, January 21).

\(^{30}\) On January 26, 2007, Prime Minister Stephen Harper would issue a formal apology to Arar on behalf of the Canadian government, apologizing ‘for any role Canadian officials may have played in what happened to Mr. Arar, Monia Mazigh and their family in 2002 and 2003’ and announced that Arar would receive C$10.5 million settlement for his ordeal and an additional one million for legal cost (‘Ottawa's apology fell short’, 2007, January 29).

\(^{31}\) The Kiyemba v. Obama case, filed on July 29th 2005, was a habeas corpus petition that would come to represent a landmark separation-of-powers decision pertaining to whether or not U.S. federal judges had the authority to order the release onto U.S. soil of foreign citizens captured abroad and detained by the U.S. military (Centre for Constitutional Rights, 2005).
orange jumpsuits with each of their hands tightly shackled together at the stomach, with each shackled foot linked to the shackles at their wrists. This restraint apparatus was nicknamed a ‘three-piece suit’ by the GTMO guards (Tietz, Aug. 24, 2006). Each detainee had a heavy black hood put over their head making it difficult to breathe as they knelt on the hot runway tarmac waiting for a C-130 transport plane. Before being put on the plane, they were put into sensory-deprivation gear, which included wearing opaque goggles over their eyes, soundproof earphones, and a mask over their mouth and nose. They were then bolted through their chains to a backless bench. During the fifteen-hour flight, the hull of the plane got very cold due to the high-altitude. This combined with the restraints caused prisoners limbs to ache and/or become numb (Tietz, Aug. 24, 2006).

Upon arrival at Guantanamo, the detainees were put on a bus to a ferry terminal. They were then taken by ferry to Guantanamo Bay. Omar would remain in GTMO for ten years.

Guantanamo is comprised of 45 square miles of land and water along the southeast coast of Cuba, pursuant to a 1903 Lease Agreement by the independent Republic of Cuba in the aftermath of the Spanish-American War. Article III of the lease agreement ‘recognizes the continuance of the ultimate sovereignty of the Republic of Cuba it also states that ‘the United States shall exercise complete jurisdiction and control over and within said areas’ (Strauss, 2009: 35; University of Toronto, Faculty of Law, 2008, October 22).

Guantanamo Bay was established to imprison what the U.S. government deemed the ‘worst of the worst’ of ‘die hard terrorists’. Still operational today, more than 780 Muslim men between the ages of 13 to 89 have been detained there.32 As Omar’s U.S. Military Commissions lawyer from June 2007 to October 2009, Lt. Cdr. William Kuebler, explains, the regime governing the detention of prisoners in GTMO was

established by Military Order of the President of the United States, George W. Bush, on November 13, 2001. The order included the following directives:

[That] the individual [detainee] shall not be privileged to seek any remedy or maintain any proceeding, directly or indirectly, or to have any such remedy or proceeding sought on the individual's behalf, in (i) any court of the United States, or any State thereof, (ii) any court of any foreign nation, or (iii) any international tribunal (Affidavit of Lt. Cdr. William Kuebler in University of Toronto, Faculty of Law, 2008, October 22).

On February 7, 2002, the Presidential Order was then followed by a Memorandum from the President in which ‘the President purported to determine that the Geneva Conventions do not apply to the conflict with Al Qaeda in Afghanistan, that Common Article 3 of the Geneva Conventions does not apply to either Al Qaeda or Taliban detainees, and that all Taliban and Al Qaeda detainees are unlawful enemy combatants and do not qualify as prisoners of war under Article 4’ (Affidavit of Lt. Cdr. William Kuebler as quoted in University of Toronto, Faculty of Law, 2008, October 22).

For children captured and taken to Guantanamo Bay, those under the age of 16 were detained in a separate facility, Camp Iguana, which was designed to accommodate the special needs of young prisoners. Though captured at the age of 15, Omar’s arrival at Guantánamo at 16 years of age (39 days after his birthday) meant that he, along with other juveniles aged 16 and 17, would be detained with the adult population and treated as an adult, without any special protections or treatment.

Omar’s introduction to Guantanamo began with an evaluation at the site hospital. Still disoriented, it is alleged that a soldier greeted Omar by saying, ‘Welcome to Israel’, as a means of frightening him (Shephard, 2008: 102). Omar was imprisoned in the recently constructed Camp Delta that replaced the notorious Camp X-Ray, which was closed in April 2002.

33 Camp X-Ray was a temporary detention facility at Guantanamo Bay that received international attention and condemnation from human rights observers when on January 18, 2002, the Pentagon released its first photograph of Guantanamo prisoners being held in a ‘wire-cage’, wearing orange jump suits kneeling on gravel with their hands handcuffed behind their back. Detainees of Camp X-Ray were imprisoned in steel-caged open-air cells, measuring eight feet long and six feet wide. Within each cell was a bed bolted to the


In Washington, four days after Omar’s transfer to Guantanamo, a Canadian embassy official, Francis Furtado, outlined the details of a meeting attended by Canadian and U.S. officials. Canada’s position was expressed in terms of wanting to ‘gain early access to Khadr as part of a plan to manage the issue in Canada and mitigate the attention the case was garnering at both the political level and within the Canadian intelligence community (Shephard, 2008: 120). The U.S. response was that consular or welfare visits of any kind would not be permitted but opened the door for Omar to be questioned for the sole purpose of collecting and sharing intelligence (Shephard 2008). Any attempt to utilize access to Omar as a form of consular assistance, was discouraged, with U.S. officials warning that ‘consular visits by other means would be scrutinized closely – which could lead to delays’ (Shephard, 2008: 120).

Back in Canada, the Foreign Affairs Department’s legal advisor, Colleen Swords – who would soon become the head of the department of intelligence – emailed the government’s communication director, Lillian Thompson, advising that politicians should ‘claw back on the fact that [Omar] is a minor’ in its statements to the press and refrain from criticizing the Bush administration for holding a minor (Swords as quoted in Shephard, 2008: 117). Though this incident is often quoted in the media, the precise motivation for Swords’ recommendation has never been elaborated on. Commentators speculate that it was to appease U.S. officials in order to gain access (of any kind) to Omar. Others suspect that it was to circumvent the enflaming of public sentiment. Additionally, dropping the issue of age would amount to one less point of contention between Canada and U.S. at a time fraught with diplomatic tension. In early November, Canada sent a formal request to access not only Omar in Guantanamo, but also other detainees of ‘operational interest to the Service’ (Canada, Parliament. House of Commons. Security Intelligence Review Committee, 2009, floor, and two buckets, one for cleaning and to be used as a toilet. See article and photos from BBC, On this day: 2002. Retrieved on January 8 2018 http://news.bbc.co.uk/onthisday/hi/dates/stories/january/20/newsid_4118000/4118239.stm.
July 8). The timing of Omar’s transfer to Guantanamo coincided with the imminent invasion of Iraq and Chrétien’s soon to be determined decision not to participate without UN support.

Responding to Omar’s move to Guantanamo and the conditions there within (i.e. no habeas corpus and thus no ability to challenge his detention, and no access to legal representation), two Edmonton-based lawyers, Dennis Edney and Nate Whitling, came together - working pro bono - to represent Omar and to introduce his situation as a test case for determining, ‘what is Canada’s obligation to one of its citizens who is detained in a foreign legal system that does not provide basic rights?’ (Pratt, 2011: 37). At the time, however, it was not clear on what grounds they could bring such a case. The answer came in February 2003 (Pratt, 2011: 37).

After repeated denials of formal and informal requests for access to Omar Khadr, along with other detained Canadian nationals and past residents, the U.S. government informed Canada - along with the United Kingdom, France and Australia - that they could meet with Omar but only for the purpose of intelligence gathering (Khadr v. Canada, 2005, August 8). On February 23-26, 2002, Omar and a Canadian entourage consisting of Jim Gould, Canada’s deputy director of the International Security Branch, a division of the Department of Foreign Affairs, and ‘Greg’, a senior and valued agent and head of the Islamic Extremist desk in the Canadian Security Intelligence Service’s (CSIS) were permitted to interview Omar while in the company of a CIA agent. At this time, Omar had been held in Guantanamo Bay for six months. The details of these interrogations are discussed in greater detail in Chapter 6.

After much delay and public frustration, the Canadian government was anxious to inform its public that the U.S. had granted them access to Omar and that he was in good health. As widely reported by the news media, the government framed the CSIS/DFAIT trip as one intended to ‘to ascertain Khadr’s well-being’, and assured Canadians that Canada’s security agents were satisfied, upon seeing Omar themselves, that the
 Americans were indeed treating him humanely (Freeze, 2005, August 10). It was in February 2003, Canada’s intelligence division of the Foreign Affairs Department crafted a government response to questions pertaining to Omar’s detention, stating that based on ‘our own observations’ they are assured that: ‘The United States continues to acknowledge its willingness to treat all detainees humanely and in a manner consistent with the principles of the Geneva Conventions. Given these statements, and our own observations, the Canadian government is satisfied’ (Freeze, 2005, August 10). While the statement is vague, it was also problematic as the first Canadian officials to visit Guantanamo had not yet returned to inform the government of their findings.34

Recognizing this discrepancy, Gar Pardy responded to the email: ‘Have we in any way formalized “our own observations” or is that just a throwaway line?’ A division official replied, ‘The “our own observations” line was mistakenly included. It will only be included if warranted after [censored] debriefs us on his visit’ (Shephard, Aug. 20, 2007). It would later come to light that despite assurances parlayed to the media, the Canadian government was made aware via the formal report provided by Jim Gould that Omar had been sleep deprived before his interrogation and was regularly kept in solitary confinement.

As Canadian newspapers began reporting that CSIS agents had traveled to Guantanamo to question Omar about his role in the killing of U.S. soldier Christopher Speer, it occurred to Whitling that they had found the grounds for filing the first suit against the Canadian government (Pratt, 2011, June 1).

While Canada and the U.S. intelligence agencies appeared to have joined forces, at the level of military commitment, the two countries had ceased to ‘stand shoulder to shoulder’ (Harper as quoted in Canadian Press Newswire, 2003, April 11) as Prime Minister Chrétien publically announced that Canada would not participate in the U.S. led

34 This same month, Omar was able to send a letter to his grandmother in Scarborough, Ontario. In it he wrote, ‘I pray for you very much and don't forget me from your pray'rs and don't forget to writ me and if ther any problem writ me’ (Tietz, Aug. 24, 2006).
Iraq invasion (Knight, 2005: 108). Though George Bush, Jr. and his administration were angered for the lack of moral if not material support, they nonetheless continued to allow intelligence officials to continue to question Omar in Guantanamo.

Following the Canadians’ last visit and the PM’s announcement, Omar’s security level was changed from Level 1 to Level 4 resulting in the removal of all of his possessions including his Koran. He would spend all of April in solitary confinement in an empty cell. During this time, Omar alleges that he was removed from his cell in the middle of the night, brought to an interrogation room, and ‘short-shackled.’ The Military Police then forced him into stress positions over a period of hours (Khadr v. Canada, 2008). One of these positions required him to lie on his stomach with his hands and feetuffed behind his back. While in these positions, Omar was not allowed to use the bathroom and, as a result, urinated on the floor, himself and his clothing. The Military Police then poured pine oil on him and used him as a ‘human mop’, dragging him back and forth across the floor through the mixture of urine and pine oil. After Omar was returned to his cell, he was denied a change of clothes for two days (Khadr v. Canada, 2008).

During this same period, Omar claims that an interrogator who was not happy with his responses spat in his face, pulled his hair, and threatened to send him to Israel, Egypt, Jordan, or Syria if he did not cooperate. Omar understood this to be a threat that he would be transferred to places where he would be tortured. The interrogator also told Omar that if he were sent to Egypt, the Egyptian authorities would send him to ‘Askri raqm tisa’ - Arabic for ‘Soldier Number 9’. This man, they claimed, would rape him. The interrogator then shackled Omar’s hands and ankles and forced him to sit down and stand up over and over (Khadr v. Canada, 2008). Omar found this difficult and when he finally refused to stand up again, the interrogator called two military police officers into the room. They took hold of Omar on either side, lifted him up, and then dropped him to the
floor. They repeated this sequence several times at the instruction of the interrogator (University of Ottawa, Foreign Policy Practicum, 2007-2008).

On October 2, 2003, Omar’s father and his youngest brother, Abdulkareem (who was 13 or 14 years old), were staying at a South Waziristan safe house. Though they were warned of an imminent raid on the village, the two had yet to make their escape when a Pakistani helicopter team and hundreds of security forces attacked the village (Shephard, 2008). Ahmed was killed in the attack, while Abdulkareem, who had been hiding face down in a ditch, was shot in the spine, paralyzing him from the waist down. Though the Pakistani government and Arab news sources reported that Ahmed had survived the attack and escaped, DNA testing would confirm three months later that Ahmed had indeed been killed. It is not clear when or how Omar learned of his father’s death.

CSIS agents returned to Guantanamo in the fall of 2003. ‘Ian’ and ‘Paul’ found Omar uncooperative. Omar would later say that he wasn’t sure whether or not Ian and Paul were really Canadian. During their interview session, Omar claimed that everything he had previously told Greg was a lie. He claimed again that he had been tortured by the Americans and told Greg what he did because it was what he wanted to hear. He had hoped Greg would then help him. Omar again took off his shirt to show the agents his scars. Later, he asked them why they hadn’t brought him a Big Mac. ‘The food in Guantanamo was torture’, he said. ‘They should try it to see for themselves (Shephard 2008: 120). The CSIS agents confronted Omar with an incriminating videotape of him making and planting IEDs which was found at the site of the firefight. Omar became defensive and claimed that the videotape had been altered by the Americans and that because he was the only survivor, he was being used a scapegoat for the soldier’s death. Telling the agents about a letter he had received from his sister, Zaynab, he informed them that she was indeed divorced from Yacoub al Bahr but that their father, Ahmed, was trying to arrange another marriage. This saddened Omar, according to the CSIS report,
because ‘he felt that every person whom his father set [Zaynab] up with ended up mistreating her’ (Friscolani, 2009, April 1).

On October 5, 2003, Maher Arar, a Canadian citizen who had been held by the U.S., renditioned to Syria, and imprisoned and tortured for more than a year, was returned to Canada. The day following his return, a letter dated October 6, was sent from foreign affairs minister Bill Graham to his U.S. counterpart, Colin Powell, stating that Canada's concerns over Omar were ‘particularly acute’ given his age. Powell’s blanket response was simply ‘all enemy combatants detained at Guantanamo Bay are treated humanely’ (Perket, 2005, February 22).

Omar would spend a month in isolation. On October 24, 2003, it is alleged that a man claiming to be from the Afghan government but wearing an American flag on his pants interrogated Omar. Growing dissatisfied with his answers, the interrogator short-shackled Omar’s hands and feet to a bolt in the floor with his hands behind his knees. He was forced to hold this position for hours. At one point, he told Omar that a new detention center was being built in Afghanistan for uncooperative detainees. He also threatened to send Omar to Afghanistan and told him that they liked ‘small boys’ there. Omar understood this to be a threat of sexual violence. The man then took a piece of paper and wrote, ‘This detainee must be transferred to Bagram’. He put the note on the table in front of Omar, and then left the room (Shephard, 2008: 106).

Paul Martin, Jr. succeeded Jean Chrétien as head of the Liberal government on November 14, 2003 after a long leadership battle that began the summer of Omar’s capture. On December 12, Martin became the 21st Prime Minister of Canada. Though Martin ran on an anti-American campaign, he nonetheless vowed to improve their estranged relationship.

With the return of Maher Arar, reports of other Canadians being detained abroad and complaints that duo-national Canadian citizens were being unfairly targeted by U.S. customs and immigration officials, spurred Canadian foreign affairs representatives -
according to a briefing note – to meet with senior Foreign Affairs officials to Washington whose explicit objective it was, to ‘reassure Canadians that our government is protecting the rights of Canadians abroad’ (Freeman and Sallot, 2005, November 9). Around this same time, Ottawa also sought assurances that Omar, now 18, would not be executed if convicted though he had yet to be charged (Freeman and Sallot, 2005, November 9).

While the government had little to say to the public about Omar’s ongoing detention, news agencies were reporting that the injuries that Omar sustained more than two years earlier continued to take its toll. Omar, had lost 90 percent of the vision in his left eye and the bullet wound on his shoulder was subject to frequent infection (Jamison, 2005: 141). His injuries were so severe, the *National Post* reported, that it was speculated that he would have to be removed from Guantanamo (Bell, 2003, December 3).

In January 2004, Lieutenant-Commander Barbara Burfeind announced that the United States had decided not to hold juveniles at Guantanamo any longer. Though Omar was seventeen at the time of the announcement, he would continue to be held.

In April 2005, Khadr was again given another written psychiatric test by lawyers Ahmad and Wilson. The report was turned over to Dr. Daryl Matthews, a forensic psychologist who had been invited to Guantanamo two years earlier by The Pentagon. Having reviewed the test, Matthews concluded that Khadr met the ‘full criteria for a diagnosis of Post-Traumatic Stress Disorder’.

In 2011, Wikileaks released a number of leaked Guantanamo Bay files including profiles of its detainees. The document (United States, Department of Defense, January 24, 2004) relating to Omar was created on January 24, 2004 and not only claimed that Omar threw a grenade in the July 2002 firefight, but also argued for his continued detention because of his family’s status and the information Omar could provide on al
Qaeda training camps." Additionally, the document references Omar’s age, his intelligence, training and participation in ‘attacks against US Forces’. It also suggests that he lacked remorse and was increasing unwilling to cooperate:

Detainee, though only 16 years old at the time of his travel to Afghanistan, has been found to be intelligent and educated and understands the gravity of his actions and affiliations. Detainee excelled at his training in Afghanistan, which included small arms, explosives training, IEDs, mines, mine laying, and configuring IEDs for remote detonation using hand held devices. Detainee admits to having participated in several mining operations and harassing attacks against US Forces, in addition to throwing the grenade that killed a US solider. Detainee has never expressed any genuine remorse for the killing of that soldier. Finally, detainee has been generally cooperative and forthcoming but has grown increasingly hostile towards his interrogators and the guard force and he remains committed to extremist Islamic values. (United States, Department of Defense, January 24, 2004).

As this secret information from inside Guantanamo Bay was being leaked, Canada’s Foreign Affairs was in the process of creating documents that would later come to be released ‘accidently’. Though not made public until 2008, documents mistakenly provided to Amnesty International by the Harper government revealed that a 2004 Canadian Foreign Affairs Department training manual for Canadian diplomats listed the United States and Israel, along side Afghanistan, China, Egypt, Iran, Saudi Arabia, Mexico and Syria, as places where inmates could face torture. The manual also categorized U.S. interrogation techniques - such as stripping prisoners naked, blindfolding them, and sleep depravation - as torture, and names Guantanamo Bay as a site of possible torture and abuse. Though publicly the Liberal government professed to accept U.S. assurances that Omar was being treated humanely, the combination of these

35 ‘Detainee's father is a senior Al-Qaida financier and reportedly the fourth in command underneath Usama Bin Laden in the Al-Qaida organization. The detainee and his brother were encouraged to travel to Afghanistan and fight against the US in support of Al-Qaida and the Taliban…He has direct family affiliations with senior Al-Qaida members, has received advanced specialized training in explosives, and has directly participated in hostile attacks against US Forces. Detainee claims that his entire family lived at one of Usama Bin Laden's compounds in Jalalabad, AF. Detainee continues to provide valuable information on his father's associates, and on non-governmental organizations that he worked with in supporting Al-Qaida, as well as other major facilitators of interest to the US. Detainee has also provided valuable information on the Derunta, Al-Farouq and Khalden training camps, indicating that the detainee has been to and likely trained at these locations; and he continues to provide valuable information on key Al-Qaida and Taliban members (United States, Department of Defense, January 24, 2004).
leaked documents produced in 2003 and 2004 suggests that internally U.S. assurances were not altogether convincing to Canada’s DFAIT.

In March 2004, Edney and Whitling, on behalf of Omar’s grandmother, Fatmah Elsammah, applied for an order of mandamus against the Department of Foreign Affairs to compel the Canadian Executive to provide Omar with consular protection; an injunction prohibiting Canadian officials from interviewing him further; and a declaration that the interviews already carried out contravened the Charter (McGregor, 201: 491). Elsammah would later launch a similar suit against the US authorities.

This same month, the Canadian intelligence officer Jim Gould returned to Guantanamo, finding Khadr uncooperative. As Omar’s appointed U.S. attorney, Muneer Ahmed, would later account: on Gould’s first visit in 2003, Khadr thought that Canadians ‘had finally come to help him’, but by 2004 he had realized that he was being interrogated, not aided, by the Canadian government. Gould on the other hand reported that he thought Khadr was trying to be a ‘tough guy’ and impress his cellmates.

According to Gould’s notes,

[Omar] does not really understand the gravity of his situation. He recognized that he would be put on trial and also said that he believed Canada could have him brought him home “if we wanted”. He does not appear to have given much, if any, thought to what he might say to a lawyer, but he did allow – after some hesitation – that perhaps he would speak with a lawyer if one were to show up (Shephard, 2008: 125).

Gould added, that he found Omar to be a ‘thoroughly screwed up young man’, the product of being used by those around him:

All those persons who have been in positions of authority over him have abused him and his trust for their own purposes. In this group can be included his parents and grandparents, his associates in Afghanistan, and fellow detainees in Camp Delta (‘Ottawa no friend to young detainee’, 2005, February 11).

Ironically, Gould did not count himself, his interview party, or their U.S. counterparts as among those in positions of authority abusing Omar.

Between 2003 and 2004, Omar Khadr was interrogated six times by Canadian intelligence officers. The information gleaned from these interviews was freely shared
with the Americans and provided without assurances that the U.S. would not seek the
death penalty if the information came to contribute to Omar being charged and convicted
(‘Captured Khadr Nearly Executed’, 2008, March 19). Over the course of these - what
the Canadian government called - ‘welfare visits’, Omar was ‘never asked…how he was
feeling or how he was holding up, nor did they ever ask him if he wanted to send a
message to his family. The Canadian interrogators never advised Omar of his rights’
(Muneer Ahmad as quoted in Shephard, 2006, January 8).

Back in Canada, Omar’s family was being branded ‘Canada’s First Family of
Terrorism’ (Pipes, 2004, March 16). As the Khadr family dominated the news, public
interest peaked when on March 3, 2004, CBC’s The National aired a two-part
documentary entitled, The Khadrs. The event would mark a significant and enduring
skewing of the Canadian public’s opinion regarding the Khadr family and Omar’s
capture, detention, prosecution and repatriation. (This will be discussed in detail in
Chapter Six). Part one of the documentary focused on Abdurahman Khadr’s stor: a
young man, the ‘black sheep’ of the ‘al Qaeda family’, who, once captured by the
Americans, was convinced to become a paid informant for the CIA and spied on fellow
detainees in Guantanamo’s Camp X-Ray. Part two of the documentary takes place in
Pakistan where Omar’s mother, Maha, and eldest sister, Zaynab were living and where
his eldest brother, Abdulllah, was in hiding, accused of a January 2004 suicide bombing
that killed a Canadian peacekeeper in Kabul - a charge he, being still alive, denied
(McKenna, 2004, June 14).

As will be discussed in Chapter Six, the media reported the Canadian public’s
response to the Khadr family interviews as one of outrage and indignation. The visceral
ire that Canadians felt for the Khadr family was reflected in the publishing of a numerous
editorials and letters to the editor, as well as the creation of an online petition titled,
‘Deport the Khadr Family’ that garnished thousands of signatures within its first days
(Freeze, 2004, April 17).
In 2008, the Canadian government was forced to divulge, by order of the Supreme Court, a number of ‘secret’ documents relating to the Omar Khadr case. While heavily redacted, the documents revealed that in April 2004, approximately a month after the Khadr family interview aired, during an interrogation, Omar was left alone in an interview room with a picture of his family. Though shackled, Omar was able to urinate on the picture. The report then states that ‘[t]he MPs cleaned him, the picture and floor and again left him alone with the picture – after shortening his shackles so that he couldn’t urinate on the picture again. But, with the flexibility of youth, he was able to lower his trousers and again urinated on the picture’. The report goes on to say that after being left alone with the picture for two hours, ‘[Omar] laid his head down on the table beside the picture in what seemed as an affectionate manner’ (Shephard, July 9, 2008).

From 2004 onward, Omar’s story as presented in the media is both directly and indirectly dominated by accounts of court cases brought forth in both the U.S. and Canada. Due to the number of cases brought forward at different levels of review, their complexity, and broader legal implications the following discussion will briefly offer those early cases that would later become the subject of the Supreme Court’s finding that Canada had violated Omar’s rights by interviewing him in Guantanamo Bay.

In June 2004, a 17-year-old Omar was permitted to write to his mother for the first time. He had not seen or spoken to her in two years. On a letter dated June 18, 2004, Omar writes: ‘How are you, mother, and how is your health? I pray to God that you are in the best of circumstances and in good health. What is the news of my brothers and sisters and my father? I pray to God that you are all well.’ Omar says that he is recovering from his wounds, exercising and eating: ‘All I lack is your company.’ He tells his mother: ‘O mother, be happy because I memorized the whole Qur’an’, a task his father had asked of all his children.\footnote{Omar’s brother Abdullah alleged that growing up, his father Ahmed had his children memorize the Koran. If successful, he claimed, they would receive a horse as a reward (McKenna, 2004, June 14).} As I write to you, my hand is shaking; I don’t know if it’s due to
happiness or sadness…’ Assuring his mother that he will be released, Omar asks her to increase her obedience to God, ‘for no calamity befalls us except what God has written for us as well as that which is the result of our sins’ (Wikisource, Omar Khadr Letter to his Mother, 2004, June 13).

Later that month, the U.S. Supreme Court ruled in Rasul v. Bush that Guantanamo prisoners - foreign nationals that had been captured abroad - had the right to habeous corpus, i.e. the right to challenge the legality of their detentions in U.S. court. For the first time since his capture, Omar would be provided access to legal counsel. The Centre for Constitutional Rights, a non-profit legal advocacy organization out of New York, assigned two of its pro bono lawyers to Omar’s case: Muneer Ahmed and Rick Wilson, two young law professors and human rights activist from the American University Law College in Washington. As Omar was receiving the right to legal representation, the U.S. was releasing more than 137 prisoners from Guantanamo Bay and returning them to their countries of citizenship. This was both a response to the Rasul v. Bush decision, as legal representation for low-value cases would tax U.S. resources and could further undermine the legitimacy of the Guantanamo tribunals, and a diplomatic achievement for allied states who publicly and aggressive advocated for the return of their citizens: those released included Swedish, Spanish, Danish, British, French and Afghan nationals (Freeze, 2003, May 06).

Three years prior, on November 13, 2001, President Bush issued a military order, ‘Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism’ (The White House, 2001, November 13), which established the legal grounding for the detention and trial commission of any non-U.S. citizen whom there is reason to believe may be affiliated with al Qaeda or whose detention and trial under the order is ‘in the interest of the United States’ (Rangaviz, 2011). On November 2004, pursuant to an Executive Order establishing military commissions, the U.S. government formally charged Omar with murder, attempted murder, conspiracy, and aiding the enemy. Though
long awaited, the momentum of this prosecution was immediately halted that same month when a legal challenge in U.S. federal court brought on behalf of another Guantanamo detainee, a Yemeni citizen, Salim Ahmed Hamdan, led to the suspension of all military commission pre-trial proceedings. The presiding judge ruled that first, it had not been legally determined whether or not Hamden (or any detainee) was a POW (as required by the Geneva Convention) and second, the proceeding were fundamentally in violation of the Uniform Code of Military Justice. Henceforth, Guantanamo prisoners had to appear before a Combat Status Review Board in order to determine whether each qualified for enemy combatant status or not. These proceedings were held from July 2004 through March 2005.

In 2005, in Khadr v. Canada, Omar’s Canadian lawyers claimed that the Canadian government was liable for Omar’s past and continued abuse (Friscolanti, 2005, February 10) and applied for a declaration that his rights under the Charter had been violated. They also asked for $100,000 in damages (This case will be discussed in detail in Chapter Six). Additionally, an injunction was filed ‘against further interrogation by Canadian government agents’, including an ‘interim injunction prohibiting the defendant from conducting any further interviews, interrogations or questioning…pending trial’.

On August 10, the Federal Court granted the interim injunction, due to Omar’s state of ‘captivity’ and the constraints on his freedom ‘to decide (without fear of consequences) whether he wants to be interviewed by CSIS/DFAIT agents’ in light of ‘the conditions at Guantanamo Bay’. The court also argued that it was in the public interest for assurances that ‘Canadian officials, when questioning Canadians (whether in Canada or abroad), respect for the Charter be determinative (Khadr v Canada as quoted in McGregor, 2010: 491-2).

Despite the success of his Canadian legal battle, life in Guantanamo had not improved. As Omar’s lawyers offered in their client’s words: ‘its destroying us slowly’. Omar, now eighteen, had begun leading prayers in his cellblock with 7 or 8 other people.
While this translated in press reports to him having become ‘a spiritual leader’, his leadership in prayer was reportedly more a reflection of the quality of his voice (Shepherd, 2008). During prayer, court documents detail, guards regularly tried to disrupt the prisoners by turning on fans, turning up the radio and whistling (Freeze, 2005, September 1). In an attempt to end the prisoner’s ‘legal limbo’ and improve the conditions of their detention, nearly half of the prisoner population, 200 individuals including Omar, began a hunger strike ‘to protest the military's disrespect of Islam’.

Over the two-month period of his protest, Omar lost 30 pounds and was taken to hospital twice where camp doctors fed him intravenously (Gordon, 2005, October 15).

On November 7, The U.S. military officially charged Omar with murder by an ‘unprivileged belligerent’, attempting murder as an unprivileged belligerent, conspiracy and aiding the enemy in connection with the deadly 2002 firefight that killed Sgt. Speer.

On December 17 2005, Omar eldest brother, Abdurahman Khadr, 22, was arrested in Toronto for allegedly acting as an al Qaeda go-between, selling guns and supplying explosives. He was also in the news for asking a federal court for his passport after his application for a renewal was refused.

In February 2006, Lieutenant-Commander William Kuebler was assigned by Military Tribunal officials to defend Omar. Kuebler, who would become a very public advocate for Omar and vocal critic of the military tribunals both in the U.S. and in Canada, was the first legal support that Omar had received from the U.S. government (Greene, 2011). This same month, a U.S civil court ordered the Khadr family to pay $102 million in damages to Christopher Speer’s widow, Tabitha Speer, and Lieutenant Morris who lost vision in one eye in the 2002 firefight. The large number of the settlement - considerably more than was being asked for - was intended to prevent the Khadr family from profiting from the publicity they continued to receive, a concern spurred by Abdullah who in 2004 falsely claimed to have made a ‘movie deal’ for his story. In reality, however, this decision was largely symbolic as the Khadr estate could
never pay such a charge, nor was it clear that the decision could be enforced across the border.\footnote{37}

Since Guantanamo Bay opened, there had been 41 suicide attempts by 25 detainees. On June 10 2006, two Saudi Arabians and one Yemeni prisoner reportedly committed suicide by hanging while in custody at Guantanamo Bay. In response, the U.S. deflected criticism for the suicides by suggesting that it was a ‘coordinated project’ and thus was intended to ‘manipulate public opinion’. As the New York Times reported: ‘They are smart, they are creative, they are committed,’ U.S, Admiral Harris said. ‘They have no regard for life, neither ours nor their own. I believe this was not an act of desperation, but an act of asymmetrical warfare waged against us’ (Risen and Gold, 2006, June 11).

Later this same month, on June 29, the U.S. Supreme Court, in the case \textit{Hamden v. Rumsfeld}, determined that the original military commissions established to prosecute detainees were unlawful, and that the commissions did not meet the minimum standards required by the Uniform Code of Military Justice and Geneva Conventions. Subsequently, all pending charges against detainees were dropped including Omar Khadr’s. While this led some to believe that Omar would soon be returned to Canada, this was not the case. In October 2006, the tribunal system was revived under the Military Commissions Act (MCA) and signed into law by President Bush. Omar would wait another 2 years before being tried, and would spend another 6 years in Guantanamo before being repatriated to Canada as part of a plea deal made in 2010.

\textbf{4.5 Repatriation and Beyond}

In October 2010, as part of a plea agreement negotiated in co-operation with the Canadian government, Khadr changed his plea to guilty on all charges filed against him.\footnote{38}
Though the military tribunal sentencing jury recommended that he serve 40 years in incarceration, on October 31 2010, in accordance with the plea agreement, Khadr was sentenced to eight years in custody with the understanding that he would serve minimally another year in Guantanamo Bay before being repatriated to Canada to complete his sentence. He would be eligible to return to Canada in the fall of 2011. Khadr had been, since 2004, the youngest prisoner to be held in Guantanamo Bay, the last Western citizen to be repatriated since, and was the first person since World War II to be prosecuted in a military commission for war crimes committed while still a minor (Koring, 2009).

In January 29, 2010 the Supreme Court of Canada (SCC) agreed with the Federal Court of Appeal that Canada’s participation in Omar’s interrogation had violated his right to life, liberty, and security of the person under Section 7 of the Canadian Charter of Rights and Freedoms (Canada v. Khadr II, 2010). However, the SCC denied Omar’s request that they order the Canadian Executive to seek his repatriation, despite finding repatriation to be an appropriate, just, and sufficiently connected remedy to the Charter violation. Citing the ‘prerogative power’ of the Executive over foreign relations, the SCC argued that because of the ‘evolving’ nature of Omar’s legal status that it should not intercede. Thus the court granted only declaratory relief (Rangaviz, 2011: 45-6).

In May 2011, as the date for his eligible repatriation drew near, the question of his citizenship status explicitly took on wider policy implications with the introduction of a new resolution at the Conservative party convention in Ottawa. Dubbed the ‘Khadr Resolution’, the Immigration Minister Jason Kenney sought to amend the Criminal Code to allow the revocation of Canadian citizenship as punishment for those convicted of treason. Proving to be largely a symbolic gesture, the resolution was handily dismissed with the large majority of Conservative delegates voting against making the resolution part of the Conservative policy agenda. At the time, it was argued, turning such a policy into law was largely unthinkable even for the Harper government (Chase, 2011, June 11). Due to a number of administrative delays and ‘foot dragging’, reflecting the Harper
government’s expressed desire not to repatriate Omar, the Canadian government finally agreed to repatriate Omar; a decision coincidentally made shortly after a visit to Ottawa from the Vice President Clinton. Omar Khadr’s detention in Guantanamo lasted for more than a decade until September 29, 2012 - two weeks after his 26th birthday - when a U.S. military airplane picked him up and brought him to Canada. He was immediately transferred to the Millhaven Institution near Kingston, Ontario.

Less than three years later, in February 2014, the Harper government introduced Bill C-24, ‘the Strengthening Canadian Citizenship Act’. Revisiting the ‘Khadr Resolution’, the ‘Omar Khadr Bill’, as it was nicknamed, sought to provide the government unilateral discretion to revoke citizenship from naturalized or native-born citizens if convicted of a terrorist offence, high treason, or several other serious offences, in any country, and sentenced to at least five years in jail. Though critics argue that the bill violated citizens’ Charter rights and protections, the ‘Omar Khadr bill’ was passed in the name of public safety and came into effect on May 24, 2015.

In December 2013, Omar Khadr filed a CA$20 million civil suit against the government of Canada on the grounds that its interrogations of Omar in Guantanamo amounted to conspiring with the U.S. in abusing his rights to order to ensure a war crimes conviction (Shepherd, 2013). Omar claimed to have no memory of the 2002 firefight and argued that he signed the 2010 plea agreement only because it would allow him to be returned to Canada. On July 7, 2017, Attorney General Jody Wilson-Raybould and Public Safety Minister Ralph Goodale confirmed the settlement and issued a formal apology on behalf of the government. Though the Canadian public had reportedly been divided over the case of Omar Khadr throughout his Guantanamo detention and trial, the settlement brought an explosion of negative responses from the public and a visceral debate in the media over justifications for the payout with the government arguing that the settlement constituted ‘a proper conclusion’ while conservative critics argued that it amounted to a ‘disgusting…secret deal’ (Abedi, 2017, July 4; Perkel, 2017, July 3).
4.6 Chapter Summary

This chapter presents to the reader some of the ‘facts’ of public record pertaining to the Omar Khadr case. This information was revealed to the public through the media, court cases, investigative journalistic reports, government accounts, leaked documents, documentaries and surveillance video, books written on the case and the words of individuals present in Omar’s orbit who, by choice or by circumstance, advocated for or against his protection or prosecution respectively. While this chapter has offered the reader some orientation before moving on to a more intensive analysis of the case, its significance can be located in something much more specific.

This chapter presents not only biographical details of Omar’s life, but reveals his significant insecurities over the period of his detention. At the age of fifteen, Omar participated in a firefight that would leave him the sole survivor among his comrades; he was severely injured; blinded in one eye; denied legal representation; denied consular support; was subject to extreme interrogation techniques; tortured; degraded; threatened with rape, detained with an adult prison population; separated from his family; he was alone when he heard of his father’s death in a bombing raid; and was left behind by representatives of the Canadian government who tried to ply him with burgers and candy in exchange for his cooperation.

Though this chapter points to Omar’s vulnerability, it also introduces moments of his agency through accounts of his personality and acts of his resistance. Such examples include his participation in hunger strikes in protest of the treatment of prisoners in Guantanamo; his refusal of representation and participation in U.S. military court proceeding; and his competent invocation of his citizenship and age related rights during his interrogation by Canadian representatives.3940

39 While I have chosen not to expand on the issue of Omar’s agency within this project, it is my hope to address these issues substantively in a future research project.
40 See Securitization Seven
Ultimately focusing on one side of the security coin, the individual, this chapter has looked to the concerns of human security, the human experience of insecurity and a following of processes of insecurity making imposed by state and constituent actors. In contrast, the chapters to follow illustrate the ways in which Canada and Canadians have been intersubjectively constituted by and constitutive of the politics of denying protection to the ‘jettisoned subject’.
Chapter Five: Methodology

Customary ‘how’ manuals are usually insulting, but wise ‘how’ manuals seldom teach how to.


5.1 Introduction

Congruent with the theoretical frame presented above, my research enacts an interpretive discourse analysis that follows the construction of security and security realities. As Buzan et al. (1998) themselves argue, the way to study securitization is to study discourse (Buzan, Wæver & de Wilde, 1998: 25). But what precisely is meant by ‘discourse’ or ‘discourse analysis’ is far from self-evident (Fierke, 1998; Milliken, 1999; Laffey and Weldes, 2004; Hansen, 2006; Balzacq, 2008, 2011). A point of convergence within the diverse field of securitization studies is the recognition that discourse analysis encourages novelty and innovation as it attempts to ‘problematize security practices and processes… by analyzing the processes and conditions through which in/securities are made politically significant’ (Aradau et al., 2015: 9).

Contrary to accusations that discourse analysis is a free-floating pseudo theory lacking analytic rigor (Hansen 2006), I, like many proponents of discourse analysis, are methodologically mindful and work to construct a coherent research framework. This chapter presents my research ‘package’ (Phillips and Jorgensen, 2003: 3). To begin, I briefly present the ontological and epistemological premises upon which this research is constructed. I then outline the overarching research objectives and research questions that guide the project (Phillips and Jorgensen 2000: 3). Having introduced the analytical stakes of the analysis, I then outline my methodological response through the introduction of Ruth Wodak’s Discourse-Historical Approach (DHA) and Lena Hansen’s
(2006) research design for historically situated security discourse analysis. Next, I establish the compatibility of these analysts’ programs and their methodologies with the concerns and objectives of securitization analysis. Finally, I outline in detail the rationale and process of text selection and provide an overview of each stage of analysis.

5.2 Constructivism and Language: Ontology and Epistemology

Ontological assumptions not only inform our understanding of the nature of the world we live but also what we can presume to know about it. The constructivist lens that I adopt within this research project is allied with the notion that the world is constituted inter-subjectively through speech-acts, and that these acts of world-creation must be understood within the context of their articulation. While for some, the inclusion of context necessarily invokes the longstanding and deeply institutionalized logic of explanatory empiricist models of ‘pure’ research exemplified in the positivist and behavioral sciences which equate context with causal factors and/or mechanisms (Balzacq, 2011), this need not be the case. For example, unlike positivist models of language analysis (e.g. as adopted in linguistics and experimental psychology), social constructivism treats language, ‘talk’, not as a mirror of the objective world, but as the means by which realities are constructed and divided (Holstein and Miller, 1993). The world of our taken-for-granted everyday experience is understood to be, not an empirical given, but the contingent product of the way that individuals, as social beings, collaboratively categorize their worlds through discourse (i.e. words, symbols, gestures, metaphor, and images).

At the heart of the constructivist critique of empiricism is the space that it opens for individual agency within social order. While empirical research on human behavior focuses on determinant forces imposed on individuals by fundamental structures that are largely unchanging and unchangeable, the constructivist perspective sees the world as fundamentally social, composed of ‘human volition and habits … which do not coalesce
into a stable regularity which can be measured and scientifically analyzed’ (McSweeney, 1989: 202).

As a constitutive force, language plays a vital role in creating and maintaining over time, patterns of the social world, not only in terms of norm construction, but truth and identity construction as well (Holstein and Miller, 1993) Language is thus productive in that it does not merely convey information, but works-up meanings and makes claims about reality through social interaction; claims that in their being spoken, interpreted and responded to become the ‘constitutive building blocks of everyday reality’ (Holstein, J. and J. Gubrium 1994: 263).

While a causal relationship necessitates the identification of independent and dependent variables of analysis, a constitutive account uncovers the practices which enter recursively into the construction of an agent or social concept and respects the dual influence of agent and structure in the co-construction, or co-causing, of social action (McSweeney, 1998: 2006).

5.3. Objectives and Research Questions

Through the lens of securitization theory, security is understood as a process inter-subjectively re/produced and contested through ‘particular sets of historical discourses and practices that rest upon institutionally shared understanding’ (Krause and Williams, 1996: 243). Looking to explore new avenues of inquiry within securitization theory - including ‘failed’ securitizations, age as a referent object, non-action as a securitizing move, desecuritization through constitutional limits, securitization at the level of the individual, and audience acquiescence - the broader goal of my research is to assess the potentials and limitations of securitization theory as it relates to who can ‘do’ or ‘speak security’ (Hansen, 2011) successfully, on what issues, under what conditions, and with what effect (Krause and Williams, 1996: 243).
As a means of achieving this goal, my research objectives are to identify: first, the range of ways in which different actors discursively position political communities and their values; second, the cultural understandings/discourses of security and national identity underpinning relevant security representations and practices of inclusion/exclusion; and third, the contexts in which particular visions and speakers of security come to prominence over others (Mcdonald 2008, 582).

In order to develop a constitutive account of the case of Omar Khadr that uncovers the practices which enter recursively in the construction of his securitization (as both threat and threatened), and respects the dual influence of securitizing actors and their audiences in the co-constitution of security realities as a social practice of inclusion and exclusion, my guiding research questions are: What enabled Omar Khadr to become a ‘jettisoned’ citizen of Canada? How does this understanding contribute to the securitization debate over positive vs. negative security and the efficacy of individual vs. national/collective securitizations? In order to answer these questions, I further posit other sub-questions to guide my study:

1. What was the language of Canada’s foreign policy responses to Omar’s capture and detention? How did this positioning change over the early years of his imprisonment, 2002-2005? What conditions were implicated directly/indirectly in influencing these changes?

2. To what degree were these posited foreign policy security responses consistent with articulations of Canada’s domestic policies, practices and identities? How did each implicate the other?

3. What was the Canadian public’s response to the governments’ responses? Did they change over time? If so, under what conditions? To what end?

4. Which securitizing actors were some able to ‘speak’ security successfully and which were not? Under what conditions and to which audiences were they spoken? To what effect?

In order to answer these questions, I adopt a discourse analysis based on constructivist principles inspired by Ruth Wodak’s Discourse-Historical Approach and the research design of Lene Hansen (2006). The following discussion briefly introduces the ontological and epistemological stakes of this type of research, before outlining the methodological guidelines and methods adopted.

5.4 Discourse Analysis: Critical Discourse Analysis (CDA) and Discourse-Historical Approach (DHA)

According to the Copenhagen School, ‘(t)he way to study securitization is to study discourse’ (Buzan, Wæver & de Wilde, 1998: 25, Balzacq, 2011). As a theoretical and methodological enterprise in the study of security and securitization, discourse analysis is considered uniquely suited to investigate how different conceptualizations, transformations, and institutionalizations of security are constructed in and through historical and culturally contingent processes of inclusion and exclusion, and manifest in dynamic everyday practices of ‘security talk’ (Brodie, 2009). But how this analysis should be executed or structured is far from regimented. “As a means of guiding my research program and attending to the political nature of the project as a whole, I found the overarching fundamentals of Ruth Wodak’s Discourse-Historical Approach (DHA) allied with my research goals.

41 As Ole Waever points out, ‘There is by now a surprising amount of empirical studies done with or partial use of the securitization theory. These do not follow a standardized format…The theory does not point to one particular type of study as the right one…Optimistically, the diversity is a sign that the theory…can generate/structure different kinds of usage and even produce anomalies for itself in interesting ways’ (Waever, 2003: 16-17). Thus, if there is a point of methodological convergence between the different strands of securitization theory it is that they combine ‘multiple methods and forms of analysis.’ (Waever, 2015: 123).
Arguing that the relationship between media, politics and people is far too complex to be contained by ‘context-less propositions and generalizations’, Ruth Wodak’s DHA utilizes aspects of Critical Discourse Analysis (CDA) to create an awareness of the operation of language in social life (Reisigl and Wodak 2005; Fairclough in Wetherell et al. 2001: 230). From a CDA perspective language is understood as fundamentally a social practice (Fairclough and Wodak 1997) and thus considers the context of language use to be critical to analysis (Fairclough and Wodak in Wodak and Meyer 2009: 5).

Investigating historical, organizational and political topics and texts, legitimacy from a DHA perspective comes from specific methodological considerations and inclusions. This includes an emphasis on the ‘principle of triangulation’, a commitment to a multi-methodological approach where empirical data as well as background information is incorporated into analysis (see for example Wodak et al., 1998 and Wodak et al., 1999).

What sets CDA apart from other schools of discourse analysis is its central focus on the reiterative nature of power relationships, the role of structures of inequality (Fairclough and Wodak 1997), and the discursive ways in which power relationships and these structures (i.e. class, race, gender and age) are reproduced in ‘social practice’ through a combination of both individual practice and socially anchored patterns of regularity (Philips and Jorgensen, 2002: 18). Thus critical research is situated as a site of contestation seeking to enact and incite social and institutional change and practices as a means of liberating ‘people from those oppressions that stop them carrying out what they would freely choose to do, compatible with the freedom of others’ (Ken Booth in Roe, 2011: 119).

Yet while most CDA research is considered emancipatory in nature, for other analysts, such as Wodak and Meyer (2001) and myself, the critical element of DHA pertains to systematically making choices at every stage of research and making those
choices transparent. The DHA approach ‘attempts to integrate a large quantity of available knowledge about…the background of the social and political fields in which discursive “events” are embedded’ (Wodak et al., 1990; Wodak et al., 1994). Thus, the interpretive role and responsibility of the analyst is to contextualize discursive events within the wider narrative of social meaning and political externalities and to ask which contexts are relevant and why. The determination of the analytical relevance of a given condition or context is thus understood to be, not a certainty, but rather a constitutive process by the researcher which allows some contexts to be raised above others (Wodak and Meyer, 2009; Hansen, 2006; Balzacq, 2011). The researcher must therefore reflect upon and explain which contexts are to be chosen and why.

This ‘professional-political study of one’s own involvement’ (Johannesson, 2010: 261) is thus incorporated into the construction of research findings and narrative through what Hansen (2006: 37) refers to as ‘a methodology of reading’: a process of research, analysis and presentation that makes a systematic account of how source material is selected and the logic of its use (Hansen, 2006). This is important because these decisions determine which truths will be ‘allowed to speak’ through the research process. Therefore the researcher must be self-critical and be clear as to how these choices are made.

A final critical aspect of all academic research is its capacity to be understood as legitimate and coherent when presented within its scholarly community. To this end my choice of theoretical framework and the model of discourse analysis I adopt are constrained by a need to explain in recognizable terms how the theory and analysis together has been put to work (Hansen, 2006: 73).

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42 As a Canadian living in Canada before, before, during and after Omar’s capture, detention, and return to Canada, I recognize that I am embedded in this research at two levels: as a member of the Canadian public audience I am implicated in some of the de/securitizing and counter-securitizing moves relating to Omar Khadr. At the same time, I am also an analyst of these events, ‘a pragmatic outsider’ (Wodak and Meyer, 2011). Therefore, in performing an interpretive analysis I necessarily draw ‘on my own pre-existing knowledge, experiences and research’, and ‘become a situated critical interpreter of events, rather than simply observing how others do things’ (Wilkinson, 2011: 100).
5.4.1 Key Terms.

*Discourses.*

The definition of discourse outlined by Potter and Hepburn (2005) best captures the assumptions of securitization theory and the principles of DHA. Potter and Hepburn (2005: 339) emphasize three aspects to discourses: 1. Discourses are oriented to action, i.e. discourses function, they do things; 2. Discourses are situated practices a) within a sequence of utterances b) institutionally (e.g. policy) and c) rhetorically (i.e. strategically); and 3. Discourses are *constructed* from words, categories and commonplace ideas, images or broader basic discourses, and are *constructive*, as versions of the world are built and stabilized in talk and in the course of action. But because language is socially shared, it is understood that there is a public criteria for using the words we use (Billig, 1997).

Discourses can thus be conceived as resources and practices: working attitudes, modes of address, imagery, gestures and assemblages of ideas, concepts, and categories that systematically work to form the objects and subjects of which they speak (Holstein and Gubrium 2005: 490, Foucault 1972: 48). Discourses not only work to frame and form an object in a certain way, they also delimit the possibilities for action in relation to it (Epstein 2008: 2). But this is not to imply that discourses are fixed structures, as Wodak (2011) explains. On the contrary they are open, interpreted, social, adaptable, transformable… ‘and not closed systems at all’ (Wodak, 2011: 65). Discourses do not fit a sender-receiver model of communication - they are not unidirectional phenomenon - rather there is ‘a dialectical relationship between particular discursive practices and the specific field of action, i.e. situations, institutional frames and social structures, in which they are embedded (Wodak, 2011: 65). ‘In other words,’ as Wodak continues, ‘discourse constitutes social practice and is at the same time constituted by it’ (Wodak, 2011: 65).

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43 This is very much aligned with Stritzel’s (2007) three layers of securitization analysis outlined in Chapter Two and Balzacq’s outline of the three components of securitization that opens this chapter.
**Basic discourses.**

Basic discourses point to main issues of contestation within a debate and facilitate a structured account of the relationship between discourses, their points of convergence and confrontations (Hansen, 2008). As Johannesson (2010: 261) puts it, in the context of historical discourse analysis, the researcher searches for ‘the themes that characterize the discourse’. As basic discourses are identified through their dispersion throughout the subject debate (Hansen, 2008: 95), tracing these discourses demonstrates how discursive variations evolve over time and in response to events, facts and criticism (Hansen, 2008: 52). Basic discourses are not empirical objects, but are analytical constructs derived from the researcher’s study of a large number of texts (Hansen, 2008: 52).

Through my research I identify two basic discourses in the data and literature: Human Security discourse and Public Safety discourse. Located at an everyday level of Canadian public debate (Hansen, 2006), these discourses are heuristic identifications for analysis, pure types, of central and oppositional discourses within Canada deployed to enable different versions of Canadian selves and realities to be built. I introduce these ‘themes’ and the process of their identification below as my first stage of analysis and flesh out the character of these discourses at the beginning of Chapter Six and beyond.

**Texts.**

Another way to understand discourses is to see them as ‘bodies of texts… that bring… ideas, objects and practices into the world…[They] are ‘created, supported, and contested through the production, dissemination, and consumption of texts…(Hardy et al. as quoted in Balzacq 2011: 28). But texts here do not simply refer to written text or spoken words only. On the contrary, as Balzacq explains, ‘The notion of text points, indeed, to a variety of signs, including written and spoken utterances, symbols, pictures, music. What unites these manifestations of text is their capacity to convey meaning, in a context’ (Balzacq, 2011: 39). Thus texts can be understood as the ‘materially durable products of linguistic actions’ (Wodak and Mayer, 2011: 5).
5.5 Case Study Selection

In my research I adopt a single-case study approach, which is characterized by its capacity to provide an in-depth examination of a real-life phenomenon (Ying, 2009), the case of Omar Khadr. This is appropriate as the empirical literature on securitization theory is dominated by case study analysis as it looks to ‘determine whether a phenomenon is an instance of a class of events’ (Eckstein in Balzacq, 2011: 32). But this does not mean that the motivations for adopting this research model are the same. For example, some researchers take up a case study approach for exploratory reasons, descriptive reasons, or (rarely) explanatory reasons (Balzacq, 2011: 32). Though limited in its capacity to make generalizations, the purpose of this approach is ‘not to search for prediction within the context of determinate, transhistorical, and generalizable causal claims but rather [to provide] contextual understanding and practical knowledge’ (Krause and Williams, 1996: 243). For this reason, as Theirry Balzacq (2011) suggests, the case study is particularly suited to the study of security in that its analysis can capture the constructive nature of security, the centrality of the audience, the co-dependency of agency and context, and the structuring force of social and political practices (Balzacq, 2011).

5.6 Research Design

Informed by Lene Hansen’s (2006) work and outlined in her seminal contribution Security as Practice: Discourse Analysis and the Bosnian War, my research assumes a systematic approach to the process of discourse analysis. As Hansen’s work is regularly invoked as an exemplary contribution in the development of methodology for security discourse analysis (Buzan in Hansen, 2006; McDonald, 2008; Roe, 2008; Buzan and Hansen, 2009; Aradau and Huysman, 2013) and because her research design is aimed at projects like my mine, i.e. broad text-based discourse studies, I found her approach very

44 Barry Buzan praises Hansen in the forward to Security as Practice, characterizing it as a ‘landmark book that should set a standard for a long time to come’ (Buzan in Hansen, 2006, viii-xiv).
compatible with my theoretical underpinnings and research objectives.

The formulation of any research project, regardless of what approach one takes, is ultimately a process of making a series of choices. For Hansen, as for Wodak, the ambition of discourse analysis is:

not only to understand official [government] discourse… but to also analyze how this discourse is presented as legitimate in relation to the larger public and how it is reproduced or contested across the variety of political sites and genres reflected in different models (Hansen, 2006: 63).

Thus my analysis begins by making decisive choices pertaining to key questions (Hansen, 2006):

1. What intertextual model of analysis will be utilized, a decision based on whether or not to extend analysis to a wider set of actors and media beyond official government discourse?
2. How many Selves will be examined (e.g. a single state?, a comparative of nations?, or an interplay of multiple identities?)
3. What temporal perspective will be adopted (i.e. a single moment or an extensive historical analysis); and
4. How many events will be included?

As Figure 5.1 illustrates, my responses to these questions are as follows: First, I adopt a research model that looks to the relationship between official government discourses, the wider political media and legislative debate, and academic analysis (Hansen, 2006: 56) in order to provide meaningful narratives of ‘peoples, places, and conversations… not easily handled by statistical procedures’ (Bogdan and Biklen, 1992: 2). This is enacted through comprehensive contextualized descriptions of the Omar Khadr case and the changing political climate in which it was embedded, including biographical, historical, relational, and interactional details (Denzin, 1989); Second, I am limiting my analysis to the Canadian context but follow two articulations of national identity discourses within, i.e. the basic discourses of Human Security and Public Safety; Third, while my analysis focuses primarily on the period between Omar Khadr’s capture and the
first years of his detention by the U.S., I locate this event within relevant broader historical and political contexts. This period, I argue, marks a critical period in Canadian political history and follows a transformative moment in Canadian foreign policy marked by the events of September 11 2001. This period also captures a discursive shift in Canada’s articulation of national self and citizenship, a change, which correlates with the end of the Liberal government’s decade-long political dominance and the introduction of an increasingly persuasive Conservative public safety agenda; And 4. Though I treat the case of Omar Khadr under the umbrella of one ‘event’, I break this moment down into key securitizing episodes and/or frames. Thus the case of Omar Khadr is presented across seven identified securitizations: The securitization of Canada; the institutionalized securitization of Canadian Arabs and Muslims; the securitization of Omar Khadr as ‘child soldier’; the securitization of Omar Khadr as ‘terrorist’; the securitization of Omar as ‘bad immigrant’; the securitization of Omar Khadr as ‘Canadian child citizen’; and the securitization of Omar as ‘Canadian citizen’. It also establishes a methodological apparatus for tracing the stability of official and unofficial discourses over time (Hansen, 2006).

Number of Selves:
One Canadian self presented through two national identities

Intertextual Models:
Official discourse, wider political debate and academic analysis

Securitizing Omar Khadr

Temporal Perspective:
- Account of relevant events from 2001 to 2005

Number of Events:
- Multiple, related by issue
- Multiple, related by time
5.7 Choice of Texts

As will be demonstrated in the next chapter, the print media dedicated a great number of pages to stories relating to Omar Khadr over the course of his detention, but for the vast majority of commentators direct access to Omar was denied until his recent release on bail from a Canadian detention facility on May 7, 2015. Prior to this, over the course of his 13-year incarceration, the public’s answer to the question: ‘Who is Omar Khadr?’ was dependant on shifting and competing composites and material interpretations of his personhood, his actions, his history, his religion, his family, his health and wellbeing, his legal status, his citizenship, and his country, all of which were largely composed and disseminated through journalist media and after 2007, parliamentary debate.

Therefore, the decision to examine the case of Omar Khadr itself directed the types of data that would be relevant to my research. Print media was selected for study because newspapers were the primary source of information on the case for the public at this time. As this research treats securitizations as a context-centered process, the role of media in the construction of security realities is understood to be critical as the narratives they produce situate relevant policy players as authoritative or not, legitimate or not, heard or not, and represent curated security stories that direct public opinion and even policy (Tolley, 2015).

While the inclusion of television coverage would have been useful, particularly for the important visual text it offers, this would have taken my research beyond the resources and time constraints of this dissertation. In terms of story content itself, however, this exclusion may not be a substantive loss. As Erin Tolley (2015) finds, for the most part, television provides a more narrow narrative, whereas print journalists have ‘more latitude to frame their subjects, build narratives, and prime citizens with information’ (Tolley, 2015: 49). Additionally, from a methodological perspective,
newspapers ‘offer an efficient way to study news coverage because they provide more of it for any given story, politician or event’ (Tolley, 2015: 49). This is certainly true of the coverage of Omar Khadr.

The exclusion of French documents, newspapers, and narratives is a significant and regrettable limit of this research. As I cannot adequately read or speak French, I was unable to include these materials or their critical insights within my analysis. I address this issue more substantively in the ‘Research Limits’ section of Chapter Seven.

I began my research with a wide and comprehensive reading of newspaper articles, parliamentary and senate debates, and academic texts relating to the case covering the entire decade of Omar’s detention: 2002-2012. While my initial intention was to provide an analysis of this entire period, the volume of material proved to be untenable for a PhD project. However, reading this material provided me with a substantive understanding of the case as a whole and a broad strokes sense of events as they emerged before the public, as well as changes in the predominant discourses and media frames over the years. I will expand on this in the next section of the chapter.

The corpus of texts on Omar Khadr between 2002 and 2005 is substantial but manageable as a data source. My examination of print media focused primarily on three separately owned English-Canadian newspapers: The Globe and Mail (owned by The Globe and Mail Inc.), The National Post (owned by Postmedia Network) and The Toronto Star (owned by Torstar). These three Canadian papers were chosen because they include Canada’s two national newspapers (The Globe and Mail and The National Post), Canada’s two most read papers (Toronto Star and The Globe and Mail), and because content wise they heuristically represent the Canadian political spectrum with the Toronto Star on the Liberal left, The National Post on the Conservative right and The Globe and Mail in the centre. These papers were chosen to represent the broadest
political range of discursive representation as distributed to the widest Canadian readership. Together, I gathered and reviewed more than 2,100 articles. These selections include journalistic reporting, as well as editorials and letters to the editor. *Factiva* library searches were used to find these articles. I also utilized the research software ATLAS.ti as a tool for centralizing and organizing my materials.

I drew selectively from Canadian magazines (e.g. *Maclean’s*) and other global news sources (e.g. *The Economist*), and from three monographs written on Omar Khadr between 2002-2012: Michelle Shephard’s *Guantanamo’s Child* (2008), Ezra Levant’s *The Enemy Within: terror, lies and the whitewashing of Omar Khadr* (2011), and the anthology, *Omar Khadr, Oh Canada* (2012). While the publication dates of these texts falls outside of my research, they nonetheless supplemented my study of newspaper reports on key events in the Khadr case and helped me to develop a more substantive outline of the Omar Khadr story as presented in Chapter Four.

In addition to newspaper accounts of official government statements, I gathered all transcripts between 2002 – 2012 of parliamentary sessions and senate debates that mention Omar Khadr. This material was found through Hansard database searches. I also examined transcripts and the final document of the Omar Khadr Inquiry (2008), and the SIRC Study (2008-05) ‘CSIS’s Role in the Matter of Omar Khadr’ (2009).

Some visual materials produced and/or distributed by the media were also examined but only in relation to how these media events were picked up by political actors and the media. Specifically, I address the CBC televised documentary on Omar Khadr and his family in 2004 and the public’s response to the broadcast, but do not analyze the documentary itself.

*National Post* by comparison was established in 1988 but still boasts a broad audience circulating approximately 200,000 copies daily. *The Toronto Star*, a politically left-leaning news source, 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 (News Media Canada).
5.8 Stages of Analysis

5.8.1 Step One: Basic Discourses.

The first formal stage of my analysis follows Hansen’s suggestion of identifying the basic discourses. Located at an everyday level of debate, basic discourses are articulations of key representations of identity that must meet four key criteria: 1. Basic discourses should construct radically different Others and Selves, deploying spatial, temporal and ethical identities; 2. They should argue very different policies to be pursued; 3. At least one should be argued as an initial position, while the other(s) will be argued in response to and in criticism of this position; 4. And finally, past constructions of key representations of identity are likely to have an influence on how present constructions are articulated. The goal is therefore to identify a small number of discourses that ‘articulate very different constructions of identity and policy and which thereby separate the political landscape between them’ (Hansen, 2008: 52).

Through my initial investigation of the Omar Khadr case as a whole (2002-2012), I identified ‘Human Security’ and ‘Public Safety’ as central discourses. The invocation and interaction of these basic discourses by various securitizing actors as they worked to construct Omar Khadr as threatening or threatened situates Omar’s circumstances before a background of transformations in Canadian identity emerging in the immediate years following 9/11 and beyond. These discourses and their significance will be described in detail in Chapter Six. I then limited my corpus of newspaper articles for analysis to the years between 2002 and 2005 (See Appendix A).

5.8.2 Step Two: Conceptual Histories.

The second stage of analysis consists of presenting conceptual histories of each of these discourses in order to understand their ideational history and their emergence and transformations of their everyday use. This is a key stage of analysis within DHA as the researcher is tasked with contextualizing discursive events within the wider narrative of social meaning and political externalities. Therefore, as a means of locating where
discursive fault lines are drawn today, i.e. where confrontations over values and identity are being contested and/or negotiated, and in order to illustrate the intertextuality of present day texts with those of the past, ideational tracings of basic discourses present complex constructions of spatial, temporal, and ethical dimensions of Canadian identity and degrees of Otherness and difference (Hansen, 2008).

5.8.3 Step Three: Securitizations.

Within the first years of Omar Khadr’s capture and detention under the Liberal government, I examine five key securitizing events or frames. But additionally I also identify two securitizations that precede Omar’s capture but establish the social and political context of those that follow. Each securitizing event presents a situation where important claims manifest themselves on the political and/or the media agenda and either influence the official policy-identity constellation or force the official Liberal discourse to engage with political opposition and media criticism (Hansen, 2006: 32). The following of these securitizing events helps to trace the deployment and changing coherence of the basic discourses identified and the external conditions of their use. Thus it provides a ‘methodological apparatus’ for tracing the stability of official and unofficial discourses over time (Hansen, 2006).

5.8.4 Step Four: Analysis and Presentation of Findings.

Consistent with a DHA approach, my discourse analysis is eclectic, not only analyzing the language of the discursive event (securitizing moves), but providing thick descriptions of the social and political fields in which these discursive events are embedded (Wodak and Meyer, 2011: 70). For each of the seven securitizations I demonstrate the interplay between socio-linguistic concerns and socio-political contexts. In other words, I examine the relationship between how securitizing actors speak, i.e. the linguistic reservoir available and deployed at particular points in time, and the policies and ‘more sedimented social and political structures that put some actors in positions of power to influence the process of constructing meaning’ (Stritzel, 2007: 369). This
necessitates outlining 1. The performative force of articulations of threat texts; 2. Their embeddedness in basic, transforming, and emerging discourses and contexts; and 3. The positional power of securitizing actors who influence the process of defining meaning (Stritzel, 2007: 370).

As a means of demonstrating my interpretive process, I follow the advice of Potter and Wetherell (1987) who suggest that an adequate amount of textual data be presented within the report in order to help the reader judge the quality of the analysis. Ultimately, my capacity to present my findings as coherent and justifiable is determined by the degree to which I am successful in explaining in recognizable terms, how the theory and analysis together has brought me to the conclusions I present.

5.9 Chapter Summary

A point of convergence within the diverse field of securitization studies is the recognition that discourse analysis encourages novelty and innovation as it attempts to ‘problematize security practices and processes… by analyzing the processes and conditions through which in/securities are made politically significant’ (Aradau et al, 2015: 9). Aligned with these objectives, the research project outlined above is largely informed by Lene Hansen’s (2006) program for security discourse analysis. Emphasizing the relationship between official discourse and the wider political debate, Hansen addresses practices through which the researcher can acquire a ‘detailed knowledge of the case’ under consideration. Through combining Hansen’s notion of ‘basic discourses’ and her emphasis on identity within security relationships, with Wodak’s (2005) focus on historical context, I was able to address a large quantity of available knowledge relating to Omar and the social and political fields unfolding in Canada between 2002 and 2005. As the next chapter will illustrate, my creative integration of these two approaches provided me with the analytical tools to examine the constitutive role of security and national identity and their relationship to constituent acquiescence and advocacy in determining Canadians’ and Omar Khadr’s security realities.
Chapter Six: Findings

Last July, Omar Khadr, a 15-year-old Canadian citizen, was arrested by the U.S. army in Afghanistan. To date, the U.S. has allowed the Red Cross access but has refused all Canadian consular access, in blatant violation of international law. I want to ask the minister this. What action is the government taking to ensure that this teenager will not be held at Guantanamo Bay indefinitely, tried before a secret military tribunal and possibly sentenced to death? What is Canada doing to defend the rights of this young Canadian citizen from this abuse of U.S. power?

- Mr. Svend Robinson (NDP MP, Burnaby—Douglas, 2002, October 2)46

6.1 Introduction

This chapter will show the ways in which Omar Khadr’s capture and detention were constructed and reconstructed as a security issue (in the positive and negative sense) over the years of his detention and varied over time and between securitizing actors and audiences. The discussion below follows how securitizing moves were defined, understood and challenged and the role that socio-political contexts and audiences played in their success and/or failure. This chapter begins with the introduction of two basic discourses that reflect and help to construct key social, political and historical contexts that informed and organized our understanding of the Omar Khadr case and its relationship to a post-9/11 Canada. By exploring securitizations of Omar Khadr, and relevant securitizations that precede his capture, I work to answer my overarching research questions: What enabled Omar Khadr to become a jettisoned citizen of Canada?

46 This was the first and last explicit question raised in Canada’s Parliament pertaining to Omar Khadr’s detention - from either house - until June 2007.
And how does this understanding contribute to the securitization debate over positive vs. negative security and the efficacy of individual vs. national/collective securitizations?

6.2 Basic Discourses: Human Security vs. Public Safety

This section maps out the dominant narratives, the basic discourses, that securitizing actors adopted in relation to Omar Khadr as a means of arresting meaning around his identity and Canada’s relationship to it. These discourses are the Human Security discourse (HS) and its counter-discourse, the Public Safety discourse (PS). It is worth reminding the reader that for the analyst, the goal in identifying basic discourses is that they ‘articulate very different constructions of identity and policy which thereby separate the political landscape between them’ (Hansen, 2006: 52). Thus as pure types, not empirical objects, they are intended to be polarizing and largely unproblematic as presented through their conceptual histories. However, in their juxtaposition each narrative is denaturalized before the other, and establishes each as both a lens and rhetorical resource that is modified, transformed, and intertwined as they are invoked and deployed in fluctuating day-to-day political contexts. This use of basic discourse will be demonstrated through the analysis presented in Securitizations One through Seven.

Thus as a means of introduction, the HS discourse can be understood as the guiding representation of Canadian identity articulated and adopted by Canada’s political left prior to 9/11, and the PS discourse as a conservative response to and criticism of the first. This confrontation set the tone for government, media and subsequently public responses to the Omar Khadr case. Each discourse will be shown to argue for very different policy positions and represent opposing ideations of Canada’s history and role in the world. After introducing the historical grounding of the basic discourse, the logic is applied to its construction of Canadian citizenship (i.e. what Canadians want and what they value). Finally, a formal mapping of the discourse will be presented. This summarizes and illustrates the discourse’s internal logic in terms of its spatial and temporal orientation and its constitutive situating of an oppositional other. For example,
the HS discourse constructs Canada’s international identity as antithetical to the U.S. while the Public Safety discourse is constructed in opposition to the Canadian Liberal government.

6.2.1 Human Security Discourse and its Conceptual History.

As the political left introduced it, by the end of the last century Canada’s reputation as an international ‘boy-scout’ (Chretien as quoted in Carroll, 2015) was one that resonated with most Canadians and the world. As a peace-keeping multi-national state, Canada identified itself as a soft middle superpower, answering the call ‘whenever tyranny… threatened peace and security’ (Canada, 1999). The grounding narrative of this policy position, as told by the Chrétien government, rooted Canada’s identity as one ‘born in an age when countries were forged through war or revolution…[whose] nation’s founders chose a unique path… the Canadian way – creating a country dedicated to peace, order and good government for all of its citizens’ (Canada, 1999). Canada’s international reputation was that of a role model society that exemplified equality and rule of law and was manifest in immigration, multiculturalism, and citizenship policies and practices (Winter, 2012). Its foreign policy externalized and concentrated these values as human rights, which were articulated as the ‘fundamental value’ and ‘crucial element in the development of stable, democratic and prosperous societies at peace with each other’ (Canada, 1995: 34). The Canadian way was not just for Canadians, it was for the international community as well.

Peacekeeping and Canadian Values.

For many, the Lester B. Pearson era of Canadian politics marks both the historical and mythological reference for Canadians’ belief that Canada is, at its core, a peacekeeping, ‘do-gooder’ (Spearin, 2016) nation that exemplifies what it means to be a force-for-good in the world. Dubbed the ‘father of peacekeeping’ (Bosold, 2006),

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47 ‘We are always there, like the boy scouts’, Jean Chretien as quoted in Carroll (2015).
Pearson was awarded the Nobel Peace Prize in 1957 for his role in resolving the Suez Crisis in 1956 through the creation of the first peacekeeping mission, The United Nations Emergency Force. Pearson also played a key role in the creation of the United Nations Security Council.

Since 1957, Canada has adopted the policy of international peacekeeping ‘in the name of human compassion, responsibility, and protection as one of its most important political and diplomatic strategies for self-invention employed both domestically and internationally’ (Härting and Kamboureli, 2009: 659). As Andrew Cohen (2003) writes, Lester B. Pearson helped peace-keeping ‘become a part of our iconography, celebrated on a postage stamp, the ten-dollar bill, and in an imposing stone monument on Sussex Drive in Ottawa.’ In fact, ‘[m]any Canadians have come to see Canada exclusively as a peacekeeper, as if there is a rare property in our psyche – perhaps an instinct for accommodation, a unique gene of tolerance or compromise – that makes us a natural at this task. It has become a touchstone of our identity’ (Cohen, 2003: 124).

While Canadian internationalism and multilateralism has been a familiar rhetoric of Canada’s foreign policy discourse since the 1970’s (Keating, 2002), it was during the Jean Chrétien and Paul Martin governments (between 1993 and 2006) that Canadians were invited ‘to rethink their assumptions about the country’s place and role in global politics’ and to buy into a revisioning of Canadian values and Canada’s place in the world (Nossal, 2010: 107).

Despite the lure of a country united under a Pearson legacy, the 1980s and 1990s in Canada was a time of deep national divisions and fractured ideations of what it meant to be Canadian (Ozguc, 2011). But as Ozguc (2011) writes, it was precisely the crises of the day - i.e. the constitutional debates of the early 1980s, the failure of the Meech Lake Accord (1987), the defeat of Charlottetown Accord (1992), and the close results of the 1995 Quebec Referendum; the development of the Free Trade Agreement (FTA) with the United States; and the realities of significant economic decline through the 1990s – and
the resulting domestic insecurity that served to re-invigorate Canada’s national identity and situate it within an emergent advocacy discourse. As Ozguc (2011) explains, these events shook Canada’s sense of identity as a peaceful, prosperous and united nation and created insecurity both at home and abroad. Highlighting the idea that foreign policy has important domestic effects, the Liberal government’s enactment of a human security foreign policy agenda not only perpetuated an altruistic and unified image of Canada to the world, but helped to preserve a sense of national political order (Ozguc, 2011). As she writes:

Canada’s human security agenda reveals how human security as governmental practice aimed to constitute a Pan-Canadianism and endorsed a historically essentialist construction of Canadian identity as being tolerant, peaceful, generous, a good international citizen and non-American (Ozguc, 2011: 52).

This attempt to unify the country was not a subversive exercise but was explicit in the policy documents themselves: ‘The measure of our success in the world will be our ability as a society to effectively focus our international efforts in a spirit of shared enterprise’ (Canada, 1995). Thus the promotion of a human security agenda abroad, with its discourse of national pride, superior values, and international ‘soft’ power (Axworthy, 1997), openly sought to enact at home a ‘bridging identity’ (Ozguc, 2011) capable of uniting different ethnic and cultural groups (Ozguc, 2011; Bosold, 2006). That human security was an exercise in nation-building is made most explicit by Axworthy (2003) in *Navigating a New World: Canada’s Global Future*:

What was true in the fifteenth century hold equally true today. Culture, technology, attitude and governance endow certain groups or communities with the talent to be navigators in the age of globalization, just as they did in the age of wind and sale. My argument, often stated in this book, is that Canadians possess qualities suited to this role. We have the right stuff to be explorers, agents of change. Not because of any military muscle or economic might, the appropriate strength in these areas is desirable, but because of the distinctive characteristics of our political social and economic system (Axworthy, 2003: 378).

With such a civilized and noble nature, Axworthy contended, it was Canada’s responsibility to take up the call and play ‘a defining role in the world’ (Axworthy, 2003: 376).
Canada Re-branded.

In 1995, the newly appointed Liberal government of Jean Chretien released a foreign policy document outlining the government’s policy perspective and international objectives. This document, *Canada in the World* 48 articulated three objectives: 1. The promotion of prosperity and employment, 2. The protection of Canadians within a stable global order, and 3. The projection of Canadian values and culture (Canada, 1995). The language of the first two points echoed classic neo/realist/liberal sentiments and aligned with Canada’s history of foreign policy positions, but the third notion, that Canada has a responsibility to project its values and culture internationally, presented a radical and new departure in Canadian foreign policy (Nossal, 2002). As the document asserts: ‘Canadians are confident in their values and in the contribution these values make to the international community…Canadians wish these values to be reflected and advanced internally’ (Canada, 1995: 34). These values included ‘respect for democracy, the rule of law, human rights, and the environment’ (Canada, 1995: 11).

As Kim Richard Nossal (2010: 108-112) outlines, at the core of this new ‘security-imaginary’ was a foreign and defense policy constructed purposefully to distinguish Canada from ‘American assumptions about international politics’ and articulate a change in its ‘relationship with the hegemon’ (Nossal, 2010: 107). Nossal (2010) provides an excellent summation of five important interrelated elements of this identity-building project. First, Canada rejected the ‘naked self-interest’ (Axwothy, 2003) of national interest, a central tenet of neo/realist international relations. As Canada’s ambassador to the U.S., Paul Heinbecker, put it: ‘Canadians are moved by humanitarian impulse, not by the cold-blooded or rational calculations of realpolitik…principles are often more important than power to Canadians’ (quoted in Granatstein, 2003: 12). As

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48 See David Malone (2001), ‘Foreign Policy Reviews Considered’, for a critical analysis and contextualization of the document. While insightful in its mid-term forecasting, as foreign policy, Malone saw it as failure, lacking in coherences and presenting untenable objectives. Quoting Gordon Smith’s evaluation, Malone reiterates that *Canada in the World* was ‘a review looking for a message.’
Figure 6.1: The linking and differentiation of Canada and the United States through the Human Security Discourse.

*Note:* Adapted from Hansen, 2006
Nossal and others observed, even the term ‘national interest’ was absented from the government’s vernacular (Nossal, 2010; Gotlieb, 2003; Granatstein, 2003).

Second, Canadians were encouraged to view their country as a ‘norm entrepreneur’, a self-less, ‘generous and activist contributor to the global good’ (Nossal, 2010: 108). Indicative of Canada’s desire to ‘build lives of freedom for all people’ and ‘set the standard by which other nations judge themselves (Paul Martin as quoted in Nossal, 2010), the Liberal government sought to reconstitute the mythology of Canada as the world’s leading peacekeeper through the deployment of ‘our blue-helmeted constabulary’ (Axworthy, 2003: xii), a reference to the helmets worn by Canadians soldiers during UN-sponsored peacekeeping and/or peace-building missions (Nossal, 2010: 108)

The third element of Canada’s rebranding was reflective of the anti-American sentiments of Chretien and Canada’s new Minister of Foreign Affairs, Lloyd Axworthy (1996-2000) and situated foreign policy in opposition to a U.S. ‘warrior’ mentality:

the way of the warrior, using the immense reach of a military apparatus to seduce, shape and when necessary coerce compliance with its set goals, values and interests, increasing disdainful of any internal rules of restraint’ (Axworthy, 2003 as quoted in Gotlieb, 2004: 3).

Canada, in contrast was, ‘a country with the strength…to take a special kind of leadership in helping mange a world dominated by the power and influence of our continental neighbour’ (Axworthy, 2003 as quoted in Nossal, 2010: 110). Canada is therefore not just distinct from the U.S. but at fundamental odds with the superpower due to the superior moral character of Canadian values and the progressiveness of our politics. As Axworthy (2004: B4) put it, peacekeepers ‘are role models on how to build peace, not propagate the glories of war’.

The fourth element of Canada’s rebranding focused on the situating of multilateralism as the guiding principle of foreign policy. This was manifest in Canada’s work with, and championing of, the United Nations: ‘The UN is vital to Canada, affording us a place in which we can exercise influence, lessen our dependence on
bilateral relations and help establish policies and practices consonant with our values and interests’ (Axworthy, 2003, as quoted in Nossal, 2010: 110). Spearheading the creation of the Criminal Court and the establishment of the ‘Chretien doctrine’- the idea, though not always the practice, that Canada would not contribute to military campaigns absent UN approval. This move furthered entrenched the perception of Canada’s commitment to peace-making and multilateralism in the resolution of conflict.

Finally, the culmination of all the underlying values presented above, Canadians were asked to ‘embrace’ (Axworthy, 2003) a new way of thinking about security. Assuming a person-centred, as opposed to state-centred, approach to security, Canada advocated internationally that ‘[g]enuine security can be found only by increasing respect for fundamental human rights’ (Graham in DFAIT, 2004, 1). With the publication of the Freedom From Fear: Canada’s foreign policy for human security (1996), under the stewardship of Canada’s new Minister of Foreign Affairs, Lloyd Axworthy, Canada adopted ‘human security’ as the ‘bedrock commitment’ for its new foreign policy agenda (Metta, 1999). Canada, Axworthy stated, was wiling ‘to take risks on behalf of victims of war in far-away places’ (Axworthy as quoted in Nossal, 2010). But peacemaking did not exclude military action. On the contrary, it was in the name of human security that Canada justified its participation in military peacemaking activities, such as the bombing of Serbia in 1999 and its intervention in East Timor later that same year. This is not to say that Canada had moved away from its regional commitments with the U.S. nor did it consider jeopardizing the security provided by the American nuclear deterrent. What was new was the emphasis on human security as an overarching principle of military action and foreign policy.

49 While the ‘Chrétien doctrine’ provided a rhetorical reference to Canada’s commitment to principled interventions and human security operations, in practice Canada’s commitments to NATO and NORAD still held. For example, in 1999, Canada sent CF-18 aircraft to bomb Serbian targets during the Kosovo intervention under the sole authority of decisions made by NATO. For a more in depth discussion of Canada’s Foreign Policy role see Donaghy and Carroll (2011).
Of Canada’s most visible human security campaigns of the Axworthy years, was his advocacy for the protection of civilians before the United Nation Security Council. Canada was instrumental in encouraging the international community to address the plight of children in war and conflict. Our security, the government claimed, is most threatened, ‘when children are used as soldiers in combat, when citizens are denied their rights, [and] when civilians are caught in conflict’ (Canada, 1999). Following the success of the Ottawa Convention of 1997 which introduced a global ban on anti-personal land mines, Canada helped spearhead UN efforts to protect children involved in armed conflicts by leading the negotiation and ratification of the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* - a supplementary protocol to the UN *Convention of the Rights of Children* (1990) – which prohibited the practice of children under the age of 18 being conscripted into the military and exempting them from taking a direct part in hostilities. As presented in *Canada in the World* (1999), Canada’s role in the upcoming 2001 United Nations General Assembly would be one of significant leadership in the fostering of international agreements to further protect children’s rights, ‘including the use of child soldiers in armed conflict’ (Canada, 1999).

Situating itself as a moral vanguard in the advocacy of children and children’s rights, Canada proudly and self-righteously claimed to have established a national identity for itself as an exemplar of the ‘good global citizen’ and aligned the human security agenda as something characteristically Canadian (Canada, 1999: 8). As Andrew Mack (2002), lead author of the *Human Security Report Project*, put it, human security is ‘less an analytical concept than a signifier of shared political and moral values’ (2002: 3).^{50}

^{50} This has been true in Canada as the human security agenda has proven in practice to be less a concrete security policy and guiding foreign policy action, and more an ideational reference for the establishment of shared political and moral values that most Canadians continue to indentify with as defining of their nation and its place in the world.
Who is the citizen of the ‘global good citizen’?

In describing the nature of the Canadian citizen, as constituted through the human security discourse, Axworthy (2003) insists that Canadians ‘have the right stuff to be explorers, agents of change’. But what is the ‘stuff’ of this foundational ‘national citizen’ and ‘state subject’? Emerging from the emancipatory social movements of the 1960’s, the Canadian citizen is one that reveres and celebrates equality for all citizens and advocates for the legal institutionalization of antidiscrimination measures (Brodie, 2002). This liberal conception of equality of citizenship is recognized in section 6 of the Citizenship Act of 1985:

A citizen, whether or not born in Canada, is entitled to the all rights, powers, and privileges and is subject to all obligations, duties and liabilities to which a person who is a citizen under paragraph 3(1) (a) is entitled or subject and has a like status to that of such persons’ (Forcese, 2014: 555).

As Kymlicka (2012) points out, Canada was the first Western country to adopt multiculturalism policy towards immigrant-origin ethnic groups, and is the only county in which multiculturalism is enshrined within its constitution. As a ‘tool of civic voice for historically excluded and oppressed people’ (James as cited in Kymlicka, 2012: 103), multiculturalism epitomizes the Canadian subject as one that is open-minded, progressive, tolerant of differences, an advocate of social equality, and a purveyor of social justice. Challenging the imposition of a one-policy-fits-all model of citizenship, the Canadian citizen is said to recognize the inevitability and importance of diversity (in language, in culture, in representation and self-expression) and group-difference and thus aims to liberate, not stifle, the ethno-political claims of minorities and migrant groups.

Through the establishment of universal social programs, the rights of citizens have been extended to include those groups previously excluded through social divisions, economic inequality and systemic discrimination (Brodie, 2002). This ambition is clearly articulated in the 1965 speech from the throne, where the government declared that ‘the
central concern of Canadian society must be the well-being of each individual, so that, regardless of his place or station at birth, he will have an equal chance to realize his full potential in the economic, social, political and cultural sense’ (Canada, 1965 in Brodie, 2002). As Hall (2000) argues, Canada’s pursuit of multiculturalism speaks to ‘the possibility of people who come from different backgrounds, origins, cultures and religions, learning to live with each other without assimilation on the one hand and without fixating and naturalizing the differences between them on the other hand’ (Hall, 2000: 523).

In summation, Canadians are characterized as sharing a unique capacity and responsibility to extend to others these insights and virtues by which their own well-being has been established. Canada is:

…in a position to promote a blueprint for ordering global affairs…We have inherent strengths as a people of wealth and talent who have forged a community of interests, express a human set of values, know the struggle to assert and maintain a sense of independence and understand the benefits of working in a collegial fashion…The accepted wisdom has been that we are an honest broker, a mediator, a peacekeeper (Axworthy, 2003 as quoted in Jefferess, 2009: 719).

As a peaceful nation it is understood to be the duty of Canadians to extend that peace beyond our borders. As Axworthy (2004) argued, and as Indigo Books (Bosold, 2006) popularized, ‘the world needs more Canada’ (Axworthy, 2004, October 4).
The human security discourse creates a discursive space, a claim for legitimacy in the world, for Canada and its value-centric foreign policies through the reverence for the Pearson era of peacekeeping and the invocation of the principles that animated it. Through the construction and clustering of identity markers - such as internationalism, human security, peacekeeping, and multilateral - the human security discourse presents a humanitarian foreign policy through a radical spatial and temporal rearticulation of the root causes of national security (i.e. weak and failed states) and the objects of intervention (i.e. civilians, women, children). While this Liberal Canadian perspective locates itself as a neutral middle power ‘whose civility is a product of struggle or
progress’ it nonetheless articulates its position as inherent and intransient (Jefferies, 2009: 719) and an extension of who Canadians are and what they value.

The stability of this Liberal construction of Canadian identity is grounded in its difference from the United States. As Allan Gotlieb (1991) puts it: ‘In the drama of Canada’s foreign policy, the U.S. is always the principal actor’ (Gotlieb, 1991). With an emphasis on Canada’s ethical responsibility and ‘idea entrepreneurship’ (Sjostedt, 2013), the spatial difference is presented less in terms of geography, as it is in the other’s role and values in the world, i.e peacekeeper and human security vs. war propagator and national interest. The temporal difference, on the other hand, is presented in terms of (intellectual) development, where Canada’s human security agenda is articulated as a morally superior position - an evolved understanding of inter-state collaboration and the root causes of insecurity - beyond the reactive real-politiks of the primitive U.S. warrior state. This situates Canada and the U.S. as sovereign state powers in the world, whose global relevance depends, not on military might alone, but on the vision of security that is winning-out in the world at any given time.

6.2.2. Public Safety Discourse and its Conceptual History

As will be shown, the PS discourse exemplifies a counter-response to Canada’s political left and expressly the Liberal government’s HS position generally aimed at transforming Canadian identity. Through the utilization of a PS discourse, Omar is framed as symptomatic of the Liberal government’s naive leftist ideology and policy shortcomings. Thus, the PS discourse is predominately articulated from the Conservative right in Canada. Though not a new discourse, the events of 9/11 intensified the PS discourse as Canadians became more receptive to its claims. Like the HS discourse, it is useful to understand the conceptual history of the PS discourse, i.e. to identify the symbolic resources from which it draws and to highlight the means by which one story of national identity comes to confront another, one narrative of Canada poised against another.
Rooted in an already existing ‘declinist’ narrative - critical of Canada’s diminished military reserves and budgets and its increasing irrelevance due to its internationalist ‘umpire’ status (Granastein, 1994) - the PS discourse draws from a rhetoric of loss. Having let its military and diplomatic capabilities deteriorate, Canada’s peacekeeping mandate is argued to have become largely symbolic, built on ‘imaginative ideas alone’ without the resources to follow through ‘or to share the burden of implementing them’ (Bratt in Jung, 2009: 94). Viewing the exportation of ‘the Canadian Way’ as nothing less than ‘value imperialism’ (Khan, 2006) this class realist-based discourse argues that Canada’s identity-creating propaganda under the Liberal government has not only compromised Canada influence in the world, but within the context of a post-9/11 security environment, poses a risk to both regional and domestic security.

**Peacekeeping and Military Might.**

If the Chrétien government looked to rebrand Canada as an exporter of values, Andrew Cohen, in *While Canada Slept* (2003) ‘challenges Canada to reinvent itself’ yet again and to turn its gaze to its past (Cohen, 2003: 4). As he laments:

> We did things abroad. We went to war, we kept the peace, and we died doing both. We fed, taught, and treated people in hard places, we brokered and proselytized in international councils. We bought goods from the corners of the earth and sold them there, too, and we became rich. We have a past. We come from somewhere (Cohen, 2003: 3).

Like the HS discourse, the PS discourse frames the peacekeeping missions of the Pearson era as highmarks of Canadian diplomacy and influence in the world but deviates from a HS agenda in its emphasis on military prowess and national interest. From a PS discourse vantage, the Cold War provided Canada with an opportunity to earn its place in the world as a peace-building nation through its commitments to allied operations under NATO and NORAD and its willingness and ability to obtain the military and diplomatic resources necessary to fulfill those obligations (Jung, 2009). By the end of the Cold War, however, the erosion and ‘cultivation of neglect and fiscal starvation’ of foreign policy assets resulted in the extreme downsizing of budgets of overseas foreign aid, the
shrinking of the Canadian Forces and the Department of Foreign Affairs more broadly (FADI, 2003). Advocates of a PS discourse, such as Jung (2009), argue that while Canadians continue to see themselves as ‘Good People doing Nice Things for Deserving People’, their government ‘started doing it on the cheap and highly selectively, or not at all (Keeley & Ferris, 2008, ‘Should We Stay or Should We Go? as quoted in Jung, 2009: 93). In effect, Canada’s ‘readiness to invest in itself’, Jung (2009) argues, ‘fell victim to the tempting prospect of a “peace dividend”’ (Jung, 2009: 93).

As the introduction to the report ‘In The National Interest: Canadian Foreign Policy in an Insecure World’ by the Canadian Defence and Foreign Affairs Institute (CDFAI) purports, the end of the Cold War did not mean that the world had become ‘a more benign and less threatening place’ (CDFAI, 2003: 1). On the contrary, in the absence of a rigid bipolar structure ‘the world became even more disordered than before’ with Canada being ‘drawn into more “peacekeeping” operations than during the entire 45-year period of East-West hostilities’ (CDFAI, 2003: 1). Arguing explicitly for a return to a neo/realist approach to foreign policy, the report reminds the reader that in no uncertain terms, the proliferation of vicious conflicts and failed states since the Cold War’s end ‘confirms the famous seventeenth century [realist] dictum of the political philosopher, Thomas Hobbes, life in the state of nature was “poor, nasty, brutish, and short”’ (CDFAI, 2003: 1). Therefore, while ‘the vision of Canada as an engineer and custodian of global civility reflects a politically comforting national imaginary domestically’, this evaluation is nonetheless detached from our global reality (CDFAI, 2003).

51 ‘Peace dividend’ references the significant drop in defense spending in the years following the Cold War. The expression thus refers to the money that becomes available in a national government's budget when the country is at peace, and can afford to reduce its defense spending. Retrieved on January 8 2018 from https://www.investopedia.com/terms/p/peace-dividend.asp#ixzz5CUjjeHlB
Values vs. National Interest.

In direct opposition to a HS discourse, the CDFAI argues that ‘Canadians too often display an aversion to thinking in terms of interest’ (CDFAI, 2003: 18; Granatstein, 2003). This unwillingness to assert its national interest, Granatstein (2003) suggests, may be a reflection of its long colonial history. During these formative years, Canada was and saw itself as being for the good of another (Britain or France) with its own interests identical to those of its motherlands (Granatstein, 2003: 4).

Through a PS lens, Chrétien’s HS agenda is articulated as effectively perpetuating a colonial mindset, which privileges multilateral processes, multiculturalism and moral platitudes as a means of directing its foreign policy and measuring its worth (Nossal, 2002). This ‘imperialism of values’ (Stairs as quoted in Nossal, 2002) involves a rejection of Canada’s post WWII liberal stance which dictated that ‘in a world of sovereign states without an overarching authority to define right and wrong and justice and injustice, there was no one true way’, and thus ‘each political community had to be allowed the liberty to pursue its own way in the world’ (Nossal, 2002).

Recognizing that Canadians may value the principles exemplified in the HS discourse, the project of pushing these values onto other nations invites critical retort from a PS perspective. This is best articulated in Nossal’s (2002) speech ‘What’s Wrong with Projecting “Canadian Values”’, where he argues that a human security agenda is not only an ‘enormously ambitious’ and ‘impossible’ policy objective but that value-projection can quickly turn into ‘an exercise in hypocrisy’ as Canada’s own behavior

52 This was the case until World War II when Canada’s state discourses began to speak to its distinctiveness and sense of inclusive as separate from its imperial patrons (Brodie, 2002). Two years after the war, Canada’s national interests were, if not explicitly said, implicated when Louis S. Laurent, the secretary of state for external affairs defined the principles upon which Canadian foreign policy rested: ‘national unity, political liberty, the rule of law, the values of Christian civilization, and a willingness to accept international responsibilities’ (as quoted in Granatstein, 2003: 4). Again the suggestion of national interest emerged within Trudeau Sr.’s government when in 1969 Canada’s defense priorities were articulated in state-centric terms: sovereignty, North America, NATO, and peacekeeping, but such realist pronouncements stopped short of offering specific strategies by which to achieve these objectives (Granatstein, 2003).
(abroad and at home) is measured against its own policy mandates (Nossal, 2002; Granatstein, 2003). For example, if Canadians are so committed to child welfare, why does Canada rank 26th out of 35 in Unicef’s report on child well being? (Bains, 2017)

From a PS perspective, Canada thus needs to direct its gaze inward (Granatstein, 2003) to its domestic life and policies, in order to protect the values, principles and privilege of being Canadian. As Granatstein (2003) argues, Canada must move its attention from ideals to interests. Values, Granatstein argues, are for individuals, ‘while nations have interests above all’ (Granatstein, 2003: 7). If any values should be encouraged more broadly, he insists, it is those that serve the national interest. As Granatstein (2003), puts it, as a country Canada is secular, democratic, liberal, and pluralist. These ‘harder-edged values’ [unlike human security] represent the true grounding of our collective identity and national interest and thus represent ‘the basis of our national life and the foundation of our success’ (Granatstein, 2003: 7-8).

US/Canada Relations.

Critical of the Liberal government’s anti-Americanism, proponents of a PS agenda argue that such a position is not only irrational considering our shared history but a threat to Canadian security and prosperity (Gotlieb, 2004). As Granatstein (2003) points out, Canada is inescapably part of North America as is the United States. In effect, we are joined at ‘the hip and thigh’ (Granatstein, 2003). ‘The Americans may make major alterations in their strategic dispositions around the world, but our location along the U.S.’s northern border guarantees that the United States must take an interest in Canada for pressing U.S. strategic reasons’ (Granatstein, 2003: 2). This recognition of shared geo-political interests and responsibility and a history of amicable relations are best exemplified in the 1938 exchange between President Franklin D. Roosevelt and Prime Minister Mackenzie King. President Roosevelt wrote to the Canadian prime minister, ‘I give to you our assurance that the people of the United States will not stand idly by if domination of Canadian soil is threatened’. King replied a few days later:
We, too, have obligations as a good friendly neighbour, and one of them is to see that…our country is made as immune from attack or possible invasion as we can responsibly be expected to make, and that…enemy forces should not be able to pursue their way, either by land, sea or air, to the United States, across Canadian territory (Quoted in Granatstein, 2003: 2, italics added).

In creating a space for its ‘value-added’ (Axworthy, 2003) national agenda (both in terms of rhetoric and identity-making), the Chrétien government’s vocal animosity towards the United States was argued to put Canada’s economic and regional security interests at risk. Not only because the United States might retaliate (e.g. hold back on softwood lumber resolutions) but because it may bias Canada in its critical decision making. This was evident in Prime Minister Chrétien’s remarks overheard at a NATO summit in Madrid in 1997 where he allegedly quipped, ‘I make it my policy [not to do what the American’s want]’ (Chrétien as quoted in Granatstein, 2003: 2). Canada needs to have the ear of American decision makers, but in light of public and gratuitous criticisms of one’s friend, ‘the predictable response is to freeze the critic out – in effect, to stop listening’ (CDFAI, 2003: 14). If Canada wants to be heard, it needs to practice more discretion and quiet diplomacy (CDFAI, 2003).

Disparaging past [Liberal] governments for ignoring the realities of Canada’s geographic position, even when confronted with post-9/11 in/security realities, the PS agenda emphasizes Canada’s need to maintain ‘friendly and workable relations with the Americans’ (CDFAI, 2003: viii).

The significance of this relationship and the magnitude of societal risk it encapsulates was made most salient on the morning of September 11 2001, when the United States closed its borders in response to the attacks in New York and Washington. Forced to imagine the ‘what if’s’ of being cut off from American markets and U.S. soil, the PS discourse found a discursive anchor: ‘The most important challenge facing Canadian decision makers is how to respond to the new security environment while ensuring the uninterrupted flow of people and commerce across the 8, 893-kilometer common border’ (Barry, 2003: 1).
Figure 6.3: The linking and differentiation of Public Safety vs. Liberal Discourses through the Public Safety Discourse

*Note:* Adapted from Hansen, 2006
With as much as 82% of all Canadian exports being sent south, Canada’s economic prosperity is tied to its management of Canada-U.S. relations. “Thus, because of the complexity and degree of integration and interdependence between these two economies, it is ‘a unique success story’ internationally, but not one that can be taken for granted (CDFAI, 2003).

**Good Governance and the ‘Safe’ Citizen.**

From a public safety perspective, 9/11 awakened Canadians to the ‘dangerous world we live in’ (Cooper, B. and D. Bercuson, 2003, January 2) and amplified Canada’s need to attend to the problem of multiculturalism. While three quarters of Canadians embrace the principles of diversity and multiculturalism in their communities (Jedwab, 2005 as quoted in Blake, 2013), from a PS perspective, Canadians are confronted with the fact that there are some individuals and communities who do not share our core values and present a threat to the present and future survival of the ‘national culture’ if not ‘the nation’ itself (Yuval-Davis et al., 2005: 523). Subsequently, Canadians are ‘asking how much of their own culture newcomers can maintain after settling in Canada and how far Canadians must go to [reasonably] accommodate’ them (Blake, 2013: 81). At its most extreme, this concern is epitomized by claims of a ‘contagion’ of terrorist recruitment in Canadian communities and the proliferation of radical Islamicism abroad and at home (Bell, September 6b, 2002). This terrorist threat arises from within those cultures and/or religions whose beliefs, intolerance, and ‘barbaric cultural practices’ are incompatible with the duties and responsibilities of Canadian citizenship.” From a PS understanding Canadians must recognize, as Charles Taylor does, that:

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53 Close to 2 billion dollars in trade crosses the border each day (Canadian Security and Military Preparedness, 2002, October).
54 As presented in the 2013 Guide to Canada for newcomers, ‘Welcome to Canada: What you should know’ ‘In Canada, men and women are equal under the law,” the document says. ‘Canada’s openness and generosity do not extend to barbaric cultural practices that tolerate spousal abuse, “honour killings,” female genital mutilation or other gender-based violence. Those guilty of these crimes are severely punished under Canada’s criminal laws.’ (Canada. (2013). For some, ‘Barbaric’ was the wrong tone for an immigrant guide. See (Gagnon, 2013, April 10).
For mainstream Islam, there is no question of separating politics and religion the way we have come to expect in Western liberal society. Liberalism is not a possible meeting ground for all cultures, but is the political expression of one range of cultures, and quite incompatible with other ranges (Taylor as quotes in Abu-Laban, 2002: 467).

While Canada’s open-door immigration policies has brought a wealth of necessary and skilled labour to our country and while those fleeing atrocities have found a home under our protective national wing, the loyalty of some of these newcomers does not rest in the country that has taken them in but remains in the countries and peoples they have left behind (Granatstein, 2003). These immigrants, it is argued, can never be full members of a liberal democratic society given the strength and privileging of their communal identity and values (Carens, 2000: 141):

It is important for community and spiritual leaders to demonstrate leadership in fending off those dangerous influences. The challenge for government will be to support and foster this type of leadership while at the same time promoting the incultation of democratic and peaceful values amongst young along with a tighter surveillance of miscreants (Martin Rudner in Bell, 2002, September 6).

Inherent to the Public Safety discourse is the neoliberal claim that the Liberal welfare state of the past is no longer fiscally tenable and that the Canadian government ‘simply cannot afford everything that is demanded of them’ (SFT, 1991, May 3). So while Canadians ‘social success’ (e.g. cultural integration and education) is important it must be pursued along side economic success (Canada, 2001, January 30). Though Canadians are ‘open and generous’ people (Canada, 2013) they are also self-sufficient and community centered. Focused on volunteerism and local concerns, Canadians work to improve and grow our communities and volunteer ‘their time and energy to make their communities a better place’ (Canada, 2001, January 30). They are good, responsible self-sufficient people: hardworking, taxpaying, and law-abiding ‘ordinary’ people who work to ensure that their families are provided for and in return expect their homes and their streets to be safe (Canada, 2001, January 30).

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55 Martin Rudner was the director of the Canadian Centre of Intelligence and Security Studies at Carlton University’s Normal Paterson School of International Affairs (Bell, 2002a, September 6).
Mapping the Public Safety Discourse.

Figure 6.4 The Public Safety Discourse (Pure Type)
Note. Adapted from Hansen, 2006

As will be demonstrated in the discourse analysis to follow, the PS discourse represents a dominant response and counter position to the HS discourse. As it is politically untenable to criticize the humanitarian values epitomized in the HS discourse – such as human rights, multiculturalism, equality, rule of law - which are treated as universal values in Canada, the PS position instead frames these values and the goal of their global institutionalism as unrealistic, hypocritical, and ultimately a risk to national interest. The PS discourse illustrates the ways in which post-9/11 security positions were largely framed oppositionally between Liberal and Conservative political parties even
though these discourses were strategically deployed by each side. While HS and PS discourses and antagonisms existed before 9/11, the attacks provided an ideological opening for the intensification of PS narratives and their political orators to (re)gain credibility and thrive.

As will be shown, the PS discourse does not initially respond to Omar’s capture, at the level of the individual, but at the level of the collective, by discursively situating the case within claims that Canada is a safe haven for terrorism and that naïve Liberal immigration and security policy positions are threats to Canadian safety. Whereas the HS discourse reads identity through the ethical responsibility invoked by the articulation of multiculturalism and humanitarianism, the PS discourse policy identity is articulated through a national interest discourse that reads spatiality through reiterations of Canada’s geopolitical reality and temporally through claims that post-9/11 insecurities are symptoms of Canada’s long standing Liberal HS agenda.

Having outlined both HS and PS discourses and their conceptual histories, the next section will trace these discourses as they are utilized, challenged and transformed within and through key securitizing events. Within the performance of each securitization, these discourses are utilized both, explicitly and implicitly, to construct claims of Omar’s in/security, his worthiness of civic belonging or expulsion, and his legitimacy or illegitimacy as a citizen of Canada. The objective of the discussion below is not to explain causally the dynamics between the politics of Omar’s insecurity and foreign and domestic policy as revealed through the lenses of ‘Human Security’ and ‘Public Safety’ discourses. On the contrary, the purpose of this analysis is to foreground through seven examples of securitization, the structuring force and rhetorical potency enacted by these lenses in the practice of securitizations at both the level of the individual and the state.

56 As will be shown below, the Liberal government strategically drew from PS’s neoliberal and U.S. partnership rhetoric to facilitate the implementation of security policy changes while the Conservative Alliance argued for human rights as a reason to join the U.S.’s war in Iraq.
6.3 Seven Securitizations in the Case of Omar Khadr

In the material I have reviewed, the Canadian government and the media ubiquitously presented Omar Khadr’s capture and detention as a political symptom of security realities imposed on Canada and largely dictated by a post-9/11 United States. Though America’s closest ally (geographically and culturally), it was Canada’s difference that brought intense and immediate scrutiny as Canada’s sovereignty and its citizens came to be viewed as a source of U.S. insecurity. Canada’s response to the U.S. security concerns, as will be explored below, was perceived by many first, to contradict Canada’s central principles (epitomized in Canada’s campaign for human security), and second, to lay the groundwork for the growing coherence of the public safety discourse. But in order to understand how the case of Omar Khadr was discursively situated as symptomatic of Canada’s identity management and its evolving re/negotiations in Canada/ U.S. relations, it is useful to look to the security regulations demanded of Canada, the processes of their implementation, and their implications to Canadian identity and Canadians as they instituted new meanings and criteria - across borders and within - for who could and who deserved to claim citizenship and belonging.

The following discussion will follow seven securitizations: the first two precede Omar’s capture and relate to the U.S.’s situating of Canada as threat and the discourses of Canada’s security policy response debates; the remaining five work to highlight discursive events within the Omar Khadr case that highlight different approaches to securitizing moves, the significance of securitizing actors, and the role of context and audience in shaping and contributing to their success or failure.

6.3.1. Securitization One: The Securitization of Canada.

We have taken for granted our northern border […], which has become a transit point for several individuals involved in terrorism.

- U.S. Attorney General John Ashcroft, at a Senate hearing on September 25, 2001
What real and specific steps has the government taken to show Canadians that their refugee system is no longer open to terrorists and illegal applicants, real and specific steps.

-Stockwell Day during House of Commons Question Period on October 1, 2001

**Political Context: September 11 and the Canadian government’s response.**

On September 11 2001, Canada, like its neighbours to the south, had to decide how best to respond to unfolding terrorist attacks in New York and in Washington. Within an hour of the first World Trade Tower being hit, the American National Airspace ordered all domestic flights landed, shutting down U.S. air space and necessitating that incoming air traffic to the United States either return to its point of origin or be rerouted. Canada too responded immediately, grounding all flights in and out of Canadian airports. Canada’s military then took action by implementing the Emergency Security Control of Air Traffic Plan - an act usually reserved for times of war - in order to take over air traffic control and redirect incoming flights. In the four hours that followed, 224 diverted planes would land in Canada (The Canadian Encyclopedia, 9/11 and Canada). In his account of the day, Prime Minister Jean Chrétien’s draws particular attention to the influx of American passengers to Canada and to many small communities, such as those in Gandar, Newfoundland and Labrador where 12,000 people were given accommodation by a local population of only 10,000 (‘After 9/11’, *The Globe and Mail*): ‘Some forty thousand American passengers were welcomed [to Canada], fed, and comforted for several days by thousands of Canadians…who did their country honour by opening their homes, their hearts, and their wallets to strangers in distress’ (Chrétien as quoted in Paquin and James, 2014: 73). For Chrétien, this hospitality was simply a reflection of

57 Contrary to Chrétien’s estimate, Transport Canada reports that 33,000 passengers arrived in Canada, and there is no indication that they were all American. See the Canadian Encyclopedia. 9/11 and Canada.
being Canadian: ‘Too often we Canadians don’t appreciate how special we are’ (Chrétien as quoted in Paradis and James, 2014: 73). Ironically, it was this ‘Canadian way’ that came under intense scrutiny and criticism just two days after the attacks.

In the days following 9/11, the Canadian government was criticized by both the political right and left for being too reserved in its public comments about the attacks and for failing to signal a strong reassuring stance to the U.S. that Canada was taking the attacks and security concerns of their government seriously. This concern was further exasperated on September 14 2001, Canada’s National Day of Mourning for the lives lost in the attacks of 9/11. In his brief memorial address, Prime Minister Chrétien focused his speech on the shared grief that Canada felt with its neighbour and the closeness of their long-standing relationship, but failed to reference Canada’s willingness to take military action with the U.S. Addressing the U.S. Ambassador to Canada, Paul Cellucci, Chrétien offered:

[Y]ou have assembled before you, here on Parliament Hill and right across Canada, a people united in outrage, in grief, in compassion, and in resolve; a people of every faith and nationality to be found on earth; a people who, as a result of the atrocity committed against the United States on September 11, 2001, feel not only like neighbours but like family (Chrétien, 2001, September 14).

While Canada’s moral position (‘united in outrage, in grief, in compassion’, ‘feel…like family’) and national identity (‘a people of every faith and nationality’) was evidently conveyed, any signal that Canada would offer military support was decidedly limited with only an ambiguous reference to Canada’s ‘resolve’ and a vague message of a unified stance: ‘And together, with our allies, we will defy and defeat the threat that terrorism poses to all civilized nations’ (Chrétien, 2001, September 14).

Concern over Canada’s commitment to action was further amplified when, in the absence of the Prime Minister’s own words, the head of the NDP, Alexa McDonough, garnered media attention with a public response exemplifying a human security

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commitment and the suggestion of non-military action. Characterizing Canada as a ‘progressive and peace loving county’ and asking: ‘what wise counsel Lester Pearson might offer?’ (Greenson, 2001, September 18), McDonough, representing Canada’s far political left, argued, ‘If we are absolutely in agreement that we must stand against any scapegoating of innocent civilians in our own country, then surely the same consideration and concern has to be extended to innocent civilians around the world’ (Greenson, 2001, September 18). Though McDonough adopted a faithful human security script on message with the Liberal party’s formal pre-9/11 agenda, she was nonetheless criticized and mocked for being a ‘dreamer’ whose idealist sentiments sounded ‘woolly’ (Greenson, 2001, September 18). While this critique was aimed at the NDP, it also functioned as a warning to the Liberal government, illustrating clearly the limits to which a human security-based response would or could be heard as legitimate and coherent in light of new security frames.

In the aftermath of the attacks, the new realities of a U.S. imposed global in/security environment was still in its becoming. Nonetheless what was immediately clear, at least to Canadians, was the decisive threat that the U.S.’s closing of borders and ports posed to Canada’s societal security. As Canadian historian Desmond Morton put it, ‘Americans may remember 9/11; [Canada] must remember 9/12, when American panic closed the U.S. border and shook our prosperity to its very core’ (Morton as quoted in Kitchen and Sasikumar, 2009: 159). As Whitaker (2003) framed it, Canada’s response to 9/11 was articulated on two integrated fronts. The first related to the need for Canada to present public support for the war on terrorism and its commitment to fulfilling its obligations as an ally in the coalition against terrorist movements - a response that was reported as being slow to unfold. The second front, relates to an issue of damage control relating to the potential for ‘collateral economic harm to Canadian interests’ caused by the U.S. interpretation of national security (Whitaker, 2003: 253-254). In making sense of these responses I offer that Canada’s Liberal government was also fighting another front
at home, as Canada’s human security agenda and national identity came under siege not only from without, but from within.

**Stage of Identification: Canada and Liberal policies as threat.**

As the U.S. media sought to trace the steps of the 9/11 terrorists prior to the attack, the emergence of a narrative that Canada was a safe-haven for terrorism was interdiscursively and intertextually constructed between Canadian and U.S. media reports, U.S. government and military actors, and ensuing Canadian security policy debates. On September 13 2001, *The Boston Globe* reported that investigators were ‘seeing evidence’ that the hijackers came through Canada, with the terrorist suspects having traveled by boat (Struck, 2005, April 9). The *Globe and Mail*, quoting a former senior U.S. intelligence official citing information from contacts in the Federal Bureau of Investigation, said law-enforcement agencies ‘appear to have tracked maybe five of these people to Canada’: ‘They were probably part of a single cell based in Canada as "sleepers," he said in an interview’ (Rheal, 2001, September 13). The same day, the *New York Times* reported that a story from a Portland television station claimed that men had ‘crossed into the United States from Canada at the remote village of Jackman, ME, about 50 miles northeast of the New Hampshire state line, though the state police said that had not been confirmed’ (Mckinley and Zernike, September 13, 2001). On September 14, *The Washington Post* reported that an unnamed U.S. official said two suspects, and perhaps others, had ‘crossed the border from Canada with no known difficulty at a small border entry in Coburn Gore, Maine.’ This report was repeated on September 16 by the *New York Post*, which also declared that ‘terrorists bent on wreaking havoc in the United States’ had found Canada ‘the path of least resistance.’ While these claims would later prove false, the damage was done and on Sept. 19, the *Christian Science Monitor* referred to Canada as ‘a haven for terrorists’ (Struck, 2005, April 9). As Frank McKenna, the ambassador to the United States in 2005 put it, from these speculative beginnings the
‘urban myth’ that Canada had inadvertently played a role in the terrorist attacks of 9/11 ‘took on a life of its own, like a viral infection’ (Struck, 2005, April 9).

That Canada posed a threat to U.S. security was a belief rooted in the American and Canadian imagination prior to 9/11. The image of Canada as a ‘Club Med for terrorists’ (Bell, 2004, May 19) was not only a reflection of the Air India Bombing in 1985, and the 1999 arrest and April 2001 conviction of Ahmed Ressam - the so-called Millennium Bomber*- but was seeded into the North American imagination in the form of story lines presented in popular TV dramas and movies. In the immediate aftermath of the September attacks, both American and Canadian governments, security officials, and citizens wondered - if not presumed – that there was indeed a ‘Canadian connection’ to 9/11. As the spokesperson for the Canadian Embassy in Washington, Bernard Etzinger said, argued when trying to explain in 2005 the persistence of the falsehood, ‘It was just one of those things where everybody says, “We all knew that,” and it becomes irrefutable’ (Struck, 2005, April 9).

While media reports play a powerful role in both constructing threats and distributing threat narratives, it is the language of political and military elites that carry the most symbolic capital in the execution of securitizing moves. The notion that Canada posed a threat to the U.S. was not a simply a tabloid claim or a whispered accusation but an assertion overtly deployed by politically elite actors in positions of recognizable authority. One such example came from U.S. Attorney General John Ashcroft, at a Senate hearing on September 25 2001, when, citing the Ressam incident, referred to the U.S./Canada border as a ‘transit point’ for terrorists (Barry, 2003: 121): ‘We have taken

58 American custom officers caught Ressam as he was trying to enter the U.S. at the Port Angeles terminal. Ressam was carrying liquid nitro-glycerine and an illegally obtained Canadian passport that be applied for using false documentation (a forged baptismal certificate from a Montreal church and a counterfeit Université de Montreal student card). See Duffy, A. (2017, August 14).
59 In October, 2001, popular television drama, The West Wing, featured a storyline of a terrorist crossing into the U.S. via Canada (Kitchen and Sasikumar, 2009).
60 As a means of countering such representations, Canadian Foreign Affairs Minister addressed the episode in a speech he gave in New York City to reassure Americans as to the fallacy of the story and the security of the border (Kitchen and Sasikumar, 2009: 159).
for granted our northern border […] I’ve conferred with Commissioner [James] Zigler of the INS [Immigration and Naturalization Service] about this and we are working on plans to help provide greater security for our northern border, which has become a transit point for several individuals involved in terrorism’ (Ashcroft as quoted in Ibbitson and Clark, 2001, September 6). Two years later, New York Senator Hillary Rodham Clinton would claim that five Pakistani immigrants have slipped into the United States from Canada because of lax border security (Koring, 2002, January 10).

As outlined in Chapter Two, such statements can be seen as constituting a securitizing move, a stage of identification where Canada is designated as a persistent and proven threat to U.S. security. Ashcroft’s accusations were deployed as a means of gaining formal support from the empowering audiences of U.S. law-makers and government officials who were being told of the urgent need to mobilize and act through the allocation of funds to new antiterrorism measures and border security. The urgency of implementing these new emergency measures, and the existential threat posed by not acting, was articulated clearly by Ashcroft to his audience: ‘Every day that passes with outdated statutes and the old rules of engagement is a day that terrorists have a competitive advantage’ (Ashcroft as quoted in Whitaker, 2003). While Ashcroft’s situating of Canada as threat was immediately directed to a congressional committee, it was nonetheless reported and circulated much more widely, a message received on both sides of the border.

Though by December it was determined that the 9/11 terrorists did not come from or through Canada, the construction of Canada as threat did not dissipate, but rather shifted in referent objects, moving away from narratives of 9/11 terrorists coming from Canada to claims that the Canada/U.S. border was a source of insecurity itself. While both countries’ security agencies had, prior to the attacks, argued that the porosity of the

61 Ironically, Ashcroft conceded in December 2001 that it was in fact Canadian intelligence that led to Ressam’s capture, saying that Canada’s security was not only non-threatening but that Canada’s cooperation was ‘outstanding’ (Whitaker, 2003).
border needed to be addressed, politically, as the longest unmilitarized border in the
world, the border had in times past been a source of mutual pride between the nations and
symbol of familial bilateral relations. This changed after 9/11, as the framing of the
border as a political triumph was usurped by a security agenda and the U.S. demand that
normal practices at the Canada/U.S. border be revamped to satisfy its security concerns.

As a means of justifying this ‘thickening’ of the border and motivating Canada to
move forward to a stage of mobilization and institutional change, the U.S. deployed a
securitizing narrative that knotted the need for tighter borders with claims that Canada’s
lax immigration and refugee policies were not only naïve (Mansure, 2008) in light of
9/11 realities but constituted a threat to the United States (Whitaker, 2003). While
Canada’s response will be addressed below, for now it is enough to say that the
securitization of Canada and Canadian domestic policy did not only endanger Canada’s
prosperity internationally but threatened to undermine the stability of the Liberal
government’s human security discourse and the valuing of Canada’s multicultural
identity at home.  

If the securitizing move of the U.S. government caused the value, credibility and
coherence of Canada’s political left and the Liberal government’s human security agenda
to falter, it concurrently presented a unique opportunity for supporters of Canada’s
conservative right to distill a meaningful oppositional agenda around the issue of
in/security and public safety. As a fragmented program that had chronically failed to
mobilize a meaningful challenge to Liberal governments in over a decade, the
conservative right’s emergent construction of a Public Safety (PS) discourse was
deployed as a credible counter-narrative to the Liberal government’s HS discourse and a
persuasive and unifying political stance. The materialization of this ‘new’ conservative
position, as articulated through a PS discourse, was exemplified during an emergency

62 As Prime Minister Chrétien watched the attacks of 9/11 begin to unfold he reportedly said to his long-
time senior aide, Eddie Goldenberg: ‘Everything we've fought for, for so long, is gone now. The world is
going to be a very different place.’ See Kennedy, M. (2011, September 3).
sitting of the House of Commons as Canada’s parliament debated Canada’s response to the U.S. attacks. Anticipating the stakes of the meeting, the *Globe and Mail* article, ‘More collateral damage: the old “Canadian Way”’ posited that Canada and Canadian identity was poised to be ‘another victim of the World Trade Centre massacre’ as ‘that much vaunted "Canadian way" (defined as a balance of openness, toleration and multicultural pluralism) is on trial following last week's terrorism’ (Winsor, 2001, September 17). This proved to be an accurate characterization of the debates that ensued.

On September 18 2001, in the meeting of Senate of Canada, the Leader of the Opposition, John Lynch-Staunton, took to challenging foundational Liberal policy positions, claiming a concern for Canada’s fundamental insecurity. Though Chrétien’s expressed support for the U.S. was under intense scrutiny, polls showed that Canadians’ affection for the U.S. was at a historical high (Kitchen and Sasikumar, 2009). This, one could argue, provided the optimal facilitating conditions – and an ideological opening - for a PS discourse to begin to flourish and a new image of Canada to take hold.

Lynch-Staunton began his statement by combining his expression of grief for the victims of the attack with a framing of 9/11 as an act of war: ‘we grieve for those who are the first casualties of the first war of the new century’ (Canada, Debates of the Senate, 2001, September 18). A divisive opening to his speech, Lynch-Staunton nonetheless called for ‘a non-partisan display of support’ for our ‘neighbour to the south’ and

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63 My decision to concentrate on John Lynch-Staunton’s comments to the Senate, and later the comments of Sharon Carstairs that preceded Lynch-Staunton’s is two fold: first, the timing of their speech is significant as the September 18 2001 was the first meeting of the Senate following the attacks of 9/11. As each individual represents their party in the Senate and as their presentations open the session, I find them positioned as powerful securitizing actors and legitimate representatives of their party’s positions. Secondly, the content of their words illustrate two key issues: first, very clearly, each articulates the polarizing values and narratives that separate the Liberal left’s framing of its HS agenda discourse from the Conservative right’s PS discourse; and second, due to the significance of the event they are responding to, the weight of policy choices to follow, and the wide reaching audience that their words might reach, each, as will be shown, borrow strategically from the discursive vernacular of the other. Subsequently I have chosen to examine these texts closely because they at once present exemplars of the basic discourses (HS and PS) but also because they illustrate how these discourses are rhetorical resources utilized to achieve political agendas and thus in practice – in their everyday use – are creatively pick-up, deployed and modified depending on the function and context of their use.
impleaded that Canada provide ‘unqualified support for the United States as it embarks on a major campaign against the tyranny of the terrorist’. Lynch-Staunton characterizes the 9/11 attacks as an offensive against ‘us’ (the U.S., Canada, and its allies):

The values attacked a week ago are values we share with the United States: freedom, democracy, equality; all exercised under the rule of law. This shared heritage inextricably entwines us together with all those in the world who treasure those ideals to fight for them and win against those who would destroy them (Canada, Debates of the Senate, 2001, September 18).

Articulating a distinct comportment to the U.S. antithetical to what he calls the ‘cultural naysayer’ (i.e. the Chrétien’s Liberal government who denied Canada’s inextricable tie to the U.S.), Lynch-Staunton insisted that ‘Canadians have no closer friends in this world than our neighbours to the south.’ Canada, he once again argued, needs to provide the U.S. with its ‘unconditional help’ (Canada, Debates of the Senate, 2001, September 18).

Referencing ‘the untold number of Canadians’ killed in the terrorist attacks, Lynch-Staunton insisted that: ‘It is now time for us to reflect on what went wrong, to learn from it and to act accordingly. We must also look ahead to determine what we are to do to cope and succeed in this new world that faces us’ (Canada, Debates of the Senate, 2001, September 18). Within the context of Canada’s alleged links to the 9/11 attacks, Lynch-Staunton’s submission that Canada’s political elite needed to reflect on what ‘went wrong’ obliquely insinuates Canada’s possible culpability, a responsibility that would be laid at the feet of the Liberal government if proven true. This securitizing move, however implicit, was gradually developed.

As will be shown, Lynch-Staunton’s call for reflection was not merely a rhetorical trope but became the framework to the security narrative (the Liberal government as threat) he was developing. As a means of locating the stakes of today’s ‘new world’, Lynch-Staunton looked first to the past:

We must recognize our potential vulnerability. If we ever did, we certainly no longer live in the “fireproof house” — words used by Senator Raoul Dandurand in 1924 to describe how our geography protected us from attack. We are all vulnerable (Canada, Debates of the Senate, 2001, September 18).
Lynch-Staunton’s invocation of Senator Raoul Dandurand, a Liberal senator, served to remind his audience (Canadian policy makers, the Canadian public and peripherally the U.S. government) that Canada’s present insecurity was symptomatic, not of terrorism, but rather of a long-standing and dangerous Liberal naïveté that treated Canada as a ‘fireproof house’ when in fact it was in a real state of insecurity. Lynch-Staunton’s assertion of Canada’s vulnerability, twice asserted, acts as a securitizing move intended to denote risk and a present-day existential threat posed by Canada’s standing government.

This framing of Liberal policies as naïve and indicative of threat was legitimized and given credence through Lynch-Staunton use of quotes from Canada’s security agencies. In terms of having the credibility to act alone as a securitizing actor, Senator Lynch-Staunton alone may not have carried the political capital or authoritative weight to convince an audience of imminent danger. However, by crafting a history of conservative senators partnered with the Canadian intelligence community, Lynch-Staunton rhetorically shored up support and legitimacy not only for his claims of Canadian insecurity but for the suggestion that the Liberal government had overlooked and been ill-attentive to security concerns that had now come to fruition: ‘The fact that we could be victims of such an attack was prominently noted in the 1999 report of the Senate Special Committee on Security and Intelligence, chaired by [Conservative] Senator William Kelly’ (Canada, Debates of the Senate, 2001, September 18). Speaking to the present concern of Canada as a safe haven for terrorist activity and the possibilities implicated in the 9/11 attacks, Lynch-Staunton continued, quoting Kelly from the report:

Canada remains, however, a ‘venue of opportunity’ for terrorist groups: a place where they may raise funds, purchase arms and conduct other activities to support their organizations and their terrorist activities elsewhere. Most of the major international terrorist organizations have a presence in Canada. Our geographic location also makes Canada a favorite conduit for terrorists wishing to enter the United States, which remains the principal target for terrorist attacks worldwide (Canada, Debates of the Senate, 2001, September 18).
Suggesting that an event like 9/11 was anticipated in 1999 and could have been prevented (the committees recommended the implementation of ‘changes to airport security and our immigration practices, which would aid in the fight against terrorism’), Lynch-Staunton directed the blame for Canada’s (presumed) role in the 9/11 attacks, and for the presence of ‘[m]ajor international terrorist organizations’ in Canada who had ‘come from all over the world’, on Liberal immigration policies informed by multiculturalism and human security, all of which were securitized in the context of this claim.

Having tied the insights of the 1999 intelligence report to the conservative party, Lynch-Staunton reified this connection by transitive property, pointing to the ‘CSIS annual report for the year 2000...[that] clearly predicts what it sees as the future — a future that has now become a reality’ (Canada, Debates of the Senate, 2001, September 18):

Terrorism in the years ahead is expected to become more violent, indiscriminate, and unpredictable than in recent years....There will likely be terrorist attacks whose sole aim would be to incite terror itself....Canadians now more than ever, are potential victims and Canada the potential venue for terrorist attacks (Canada, Debates of the Senate, 2001, September 18)

Here, Lynch-Staunton offered a persuasive narrative, arguing that not only had the perilous policies of the Liberal government created the conditions for Canada to become a ‘venue of opportunity’ but that, unlike the conservative governments, the Liberals had failed to take reports seriously that pointed to Canada’s vulnerability and anticipated terrorist attacks such as 9/11, and thus failed to mobilize effective actions of prevention. In situating past reports by Canada’s intelligence community as failed securitizations (as the Liberal government did not facilitate a response to move from threat identification to mobilization), Lynch-Staunton’s earlier claims that Canada was vulnerable to terrorism now read more credibly, authoritatively, and even as non-political in the sense that these reports and their insights were discursively located as facts of Canadian history outside of normal political posturing.
Having established Canada’s pressing need to mobilize and address its long standing insecurity, a ‘fact’ made all the more salient with recent events, Lynch-Staunton apologetically (‘this debate is perhaps not the time to address it in detail’) spoke to remind his audience of another Liberal failing: though action was needed, given the state of Canada’s Armed Forces, this may not be immediately possible.

[W]e, as legislators, will need to review the reduced capacity of the Canadians Armed Forces, and determine what role, if any, they are now capable of playing in the defence of this country or to help the United States in the fight against the universal threat of terrorism (Canada, Debates of the Senate, 2001, September 18).

Among the issues to be addressed ‘another day’, domestic as well as international interventions needed to be considered: ‘We should also address our minds to changes in our immigration policies’, decisions which, ‘I hope […] the government will allow us, as representatives of the people of Canada in both chambers, to participate in the review of our preparedness’ (Canada, Debates of the Senate, 2001, September 18).

Furthering the political logic for mobilization, a response requiring input from conservative as well as other representatives (given what was said), Lynch-Staunton reminded his audience, ‘[w]e are all victims of the acts of terrorists’ and returned the focus again to the establishment of Canada’s need for allegiance with its most important ‘friend’. This position, first presented sentimentally, dialectically evolved into an ethical mandate cast out of Canada’s duty, loyalty, and history of sacrifice:

Our duty, Canada’s duty today, is to stand by its closest friend and neighbour in its hour of need. Our duty, borne out of love and friendship and mutual respect, is to answer the call for help. We should be assessing our capabilities and offering advice based on years of being a world leader in the field of peacekeeping and peace building, and also as one who has never hesitated to answer the call, as demonstrated too eloquently by the thousands of Canadian war graves across the world (Canada, Debates of the Senate, 2001, September 18).

Utilizing the pervasive and persuasive power of the human security discourse in Canada in 2001, Lynch-Staunton constructed the foundations of a public security agenda through the invocation of Canada’s responsibility to help and to provide humanitarian intervention. Thus, his argument for a PS response was in effect posited from inside
Canada’s predominant political ideations (i.e. HS), not from without. This was made further evident as Lynch-Staunton attempted to garner additional support by drawing on a history of Canada’s military might and identity as ‘a world leader in peacekeeping and peace building’, and invoking Canada’s commitment to allied operations with the U.S., NATO, and the UN.

Through historical record, insinuation and presentation, Lynch-Staunton’s speech to the Senate asked his fellow senators to break with the placated and dangerous policies of the Liberal government and recognize that the ‘new world that faces us’ (Canada, Debates of the Senate, 2001, September 18) required a party who had demonstrated in the past, foresight and intelligence, and a willingness to mobilize Canada’s assets, along side its valued neighbours, in the fight against terrorism. Echoing the language of solidarity expressed by the French newspaper, Le Monde - whose headline ‘Nous sommes tous américains’ by Jean-Marie Colombani was widely reported on September 12th - John Lynch-Staunton finished his presentation with a final appeal, ‘Honourable senators, terrorism knows no frontiers in its dastardly attacks on our fundamental values. That is why we must declare, without fear of tarnishing our own identity, that today we are all Americans’ (Canada, Debates of the Senate, 2001, September 18).

To identify the threshold of securitization, one must evaluate the values that a securitizing move will supersede (Salter, 2011). Implying that expressed solidarity with the United States within the context of the country’s HS agenda could be conceived by its advocates as comprising, ‘tarnishing’, Canada’s good global citizen, not-American, identity, Lynch-Staunton called on his fellow policymakers to nonetheless concentrate on Canada’s shared interests with the U.S., i.e. ‘fundamental values’. Shifting the axis of the human security discourse away from a logic centred on, as McDonough articulated, the

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64 As will be illustrated below, just as the Liberal government, as a means of navigating post-9/11 diplomatic and security relations, draws skillfully from the conservative repertoire of neoliberal concerns and accommodating U.S. interests, so too does the conservative right here instrumentalize the language of peacekeeping and humanitarianism in the service of war and military aggression (Marhia, 2013).
values of Canadian sovereignty, ‘peacekeeping’, ‘civilian’ life, and ‘rule of law’, to an issue of state posturing and identity management, Lynch-Staunton argued from a PS approach that the value of Canada’s shared security interests with the U.S., i.e. the threat of terrorism, and mutual reverence for ‘freedom, democracy, equality; all exercised under the rule of law’, ‘must’ supersede concerns over a ‘fear’ of appearances and a compromised Canadian identity (Canada, Debates of the Senate, 2001, September 18).

Stage of Mobilization as Countersecuritization.

While the impact of terrorism was not new to Canada on September 11 2001, finding itself designated a security threat by its traumatized neighbour and primary economic partner to the South was new (Roach, 2002). Following September 11, every measure of Canada’s contribution to the war on terrorism, including moral as well as military and troop support and maintaining strong security against terrorism within Canada (i.e. security policy changes), worked to mitigate the U.S.’s securitizing of Canada and relieve pressure on the border (Whitaker, 2003). As addressed above, for Canada, the threat of a closed Canadian/U.S. border was understood not only as an economic crisis but an existential one appearing as imminent, if not more so, than an attack on Canadian soil. Thus in its efforts to desecuritize the Canada-as-threat claim and secure Canada’s survival, the Chrétien Liberal government adopted a three-prong counter-securitization response: first, it articulated clear ethical and moral support to the U.S.’s campaign against global terrorism; second, Canada contributed immediate military support to the U.S. led initiative in Afghanistan; and third, as a means of both protecting Canadians from terrorist threat and alleviating U.S. concerns that Canada posed a threat to its security, Canada’s legislature quickly acted to introduce a cluster of new and modified security policies and intelligence initiatives. (This will be discussed further below).

65 Still salient to the national consciousness were memories of the FLQ bombings in the 1960’s, The October Crisis kidnappings of 1970, and still more recently, the 1985 Air India Bombings.
Moral allegiance and a commitment to military support. As was mentioned above, the Chrétien government’s initial failure to articulate a military commitment along with expressions of moral allegiance with the U.S. government put pressure on the Prime Minister to firm up Canada’s position and articulate a strong security-centred response to U.S. insecurities. As was demonstrated above, the Chrétien government’s relationship with the U.S. had historically been one laced with public expressions of antagonism and dissidence. Thus, his six-day silence on the issue of contributing to military action was framed as symptomatic of a long-standing opposition and resentment to U.S. policy and ideology.

Finally, on September 17 2001, in the midst of emerging media reports suggesting that Canada was home to terrorist ‘sleeper’ cells and the source of as many as five 9/11 terrorists, Chrétien addressed the House of Commons that had convened for an emergency debate on Canada’s response to the U.S. attacks:

So, let us be clear: this was not just an attack on the United States. These cold-blooded killers struck a blow at the values and beliefs of free and civilized people everywhere. The world has been attacked. The world must respond. Because we are at war against terrorism and Canada, a nation founded on a belief in freedom, justice and tolerance, will be part of that response (Chrétien as quoted in Canada, Debates of the House, 2001, September 17).

Offering a strong neo/realist PS discourse of threat recognition (‘we are at war’, ‘the world has been attacked’) and necessity (‘the world must respond’), Chrétien spoke to the government’s willingness to mobilize against the ‘cold-blooded’-‘uncivilized’ terrorist Other (in contrast to the ‘free and civilized people’ of the U.S., Canada and their allies). Articulating an action that in form appeared at odds with Canada’s peacekeeping national identity and HS agenda, Chrétien rhetorically worked to reinforce Canada’s HS position by claiming continuity between Canada’s nature (‘founded on belief in freedom, justice and tolerance’), preference for multilateralism (‘part of [the world’s] response’), and

66 It is interesting to note that prior to 9/11, Canada’s ambassador to the U.S., Paul Heinbecker, implied that the U.S., in stark contrast to Canada, was ‘cold-blooded’ in its ‘rational calculations of realpolitik’ (As quoted in Granatstein, 2003: 12).
Canada’s commitment to ‘respond’ as a nation at ‘war’. This rationalization cast the Canadian military role in the international arena as one motivated by necessity, shared responsibility, compassion, and thus benevolent incentives (Härting and Kamboureli, 2009). This position was reiterated by Adrienne Clarkson, the governor general of Canada who posited Canada’s commitment and responsibility to respond as a moral imperative borne of Canada’s past: ‘[O]ur ability to maintain justice and do what is right… is a role that history has allotted us’ (Clarkson as quoted in Horn, B, 2006: 11).

The casting of Canada’s willingness to participate in the ‘worldwide campaign against terrorism’ as an exercise in the protection of values and civility was further exemplified by the Leader of Government in the senate, Senator Sharon Carstairs, on September 18: ‘Many Canadians and citizens of other countries lost their lives that day. While this tragedy took place on American soil, we know that this was also an assault against democracy itself’ (Canada, Debates of the Senate, 2001, September 18).

Articulating a desire and responsibility to stand with the United States and her democratic allies in a multilateral effort to combat terrorism, Carstairs reiterates the Prime Minister’s frame of global threat and Canada’s responsibility and resolve to contribute.

We have pledged our unambiguous support to assist our American neighbours in a worldwide campaign against terrorism. In the words of our Prime Minister, “The world has been attacked. The world must respond.”… We must respond as one democratic union’ (Canada, Debates of the Senate, 2001, September 18).

This campaign for multilateralism (‘democratic union’) performs a double duty in that it at once acts as a defense from those who would argue that the Chrétien government’s commitment to the ‘war on terrorism’ undermines Canada’s reputation as a global leader of human security and global peacekeeping; and at the same time, undercuts the critical rhetorical reserve of the conservative right by utilizing PS discourses of American partnership and justified military response.

Situated among other democratic nations, Carstairs, like Chrétien, also worked to discursively harmonize Canada’s commitment to military action with a HS agenda: ‘We must be sure that our response is measured, controlled, effective and just. We must not be
swayed by rhetoric, but guided by righteousness’ (Canada, Debates of the Senate, 2001, September 18). Being the first to speak at the senate session, Carstairs, in anticipation of the criticisms and political will of the conservative senate representatives - such as Lynch-Staunton who would follow her - situates the Liberal government and its agenda as exemplifying HS values (‘righteousness’), leadership (‘measured, controlled, effective and just’), and reasoned response (‘not be swayed’), and preemptively located discursively the arguments of her conservative counterparts as unsubstantive and prone to tactics of persuasion and ‘rhetoric’.

If these words were not enough to counter the pervasive belief that Canada was (retroactively) a past and enduring threat to the U.S., and that this was causing a strain on their relationship, then an unexpected diplomatic incident would - at least at first - advance this suspicion. On September 20 2001, the U.S. President George Bush, Jr. addressed both houses of Congress, the American people and the globe. Announcing the launch of his ‘anti-terrorism campaign’, Bush gave the international community an ultimatum: ‘Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists’ (VOA, 2009, October 7). As presented above, Canada had already weighed in with both words and actions.

But as Bush thanked numerous countries for their support, including Egypt and Iran, Canada was conspicuously left out. Many Canadians expressed that this oversight was profoundly disrespectful given Canada’s assistance and expressed solidarity with the U.S. in the wake of the attacks. Some expressed the opinion that the U.S. took Canada’s support for granted, while others thought that the Liberal government had (through their attitude and policies) generated too much animosity between the countries. Weighing in, Progressive Conservative Leader Joe Clark argued that the incident was a reflection of Canada’s invisibility to the U.S. government: ‘I consider it, in fact, an indication that Canada is off the radar screen, and perhaps now [because of our porous border?] we're back on the radar screen’ (McKenna, 2001, September 25).
Forced to respond, both Bush and Chrétien downplayed the absence of ‘Canada’ in the speech, choosing instead to reiterate the close and familial bond between the two countries. As the incident was claimed to be accidental, then and now\textsuperscript{67}, Bush was nonetheless situated uncomfortably as having to publically respond to the forgotten acknowledgement, and claimed that it was merely a reflection of Canada’s position as ‘a brother’ and member of ‘the family’. Chrétien too worked to pacify the accusation, saying that it was not a ‘snub’ and instead used the occasion to speak to Canada’s closeness and commitment to the U.S.: ‘We are your neighbors, friends and family,’ he said. ‘We have to work together. This problem concerns all nations of the world’ (Frum, 2011, September 9). At a critical period in the media and U.S. government’s construction of Canada as a safe haven for terrorism, this public exchange of familial affections worked to undermine, not the security concern over borders or policies, but the fear that the U.S.’s comportment to Canada had been irretrievably altered.

\textit{Military support}. On September 12 2001, Prime Minister Chrétien telephoned U.S. President George W. Bush to offer his condolences and to pledge ‘Canada’s complete support’. On this same day, the UN Security Council issued Resolution 1368 which condemned the attacks on the United States and reaffirmed via the UN Charter’s Article 51 that nothing shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations. With this, Canada’s participation in the global ‘War on Terrorism’ began, reportedly, without the public or the Prime Minister’s (Maloney, 2005) knowledge as approximately 40 Joint Task Force 2 (JTF2) Canadian Forces personnel were sent to southern Afghanistan in early December 2001. In October 2001, Chrétien announced that Canada would contribute more than 2000 Canadian Forces personnel, with some 850 troops serving along side American soldiers as part of the American assault on the Taliban in

\textsuperscript{67} Bush’s speech writer, David Frum, would ‘come clean’ about the unintentional and regrettable error in a 2011 \textit{National Post} article. See Frum, D. (2011, September 9).
Afghanistan (Holloway, 2006: 69). The remaining troops would be deployed as part of a naval task force and patrol aircraft sent to the Arabian Sea, and a Hercules transport craft to deliver humanitarian supplies to Afghanistan through Operation Apollo. This mission would run from October 2001 to October 2003.

Couching an evolving PS narrative within a rhetorical claim to Canada’s historical role as a peacekeeper, the Minister of Defense, Art Eggleton, situated Canada’s participation:

> Any Canadian military deployment to Afghanistan may well be similar to a situation in Eritrea and Ethiopia where we went in on the first wave, we helped establish the stabilization, the basis for ongoing peace support operations that would come after ... but then turned it over to somebody else.’ (Eggleton as quotes in Gross and Lang, 2008).

The offensive against the Taliban ended just before Christmas on December 22, 2001, but Operation Apollo was expanded in January 2002 when the U.S. asked for further support in the ongoing fighting around Kandahar. Under U.S. command, 750 Canadian troops (most from Princess Patricia’s Canadian Light Infantry Battle Group) were deployed for combat (Holloway, 2006: 70).

*Domestic security policy change.* Prior to 9/11, the Liberal government’s presentation of Canadian identity, both domestically and internationally, utilized symbolic markers that emphasized Canada’s radical difference from the U.S. (See Figure 6.1). But when confronted with the threat of terrorism on North American soil and the defensive stance adopted by the U.S. in response, Canada - at least initially - substituted the extreme polarizing language of its anti-American scripts with pacifying expressions of shared values, friendship and the need for military response.

Despite accusations from some U.S. and Canadian military and intelligence authorities that Canada posed a threat, the Canadian government was nonetheless successful in resisting U.S. attempts to strong arm the implementation of fully integrated security polices, such as the establishment of a continental security perimeter. Though such notions were welcomed by many of Canada’s business elites (Donaghy and Carroll,
2011), the government argued that such actions would be a threat to Canadian autonomy: ‘Working closely with the United States does not mean turning over to them the keys to Canadian sovereignty’ (Manley as quoted in Barry, 2003: 123). Further asserting Canada’s independence and self-interest, Manley declared: ‘the laws of Canada will be passed by the Parliament of Canada’ (Manley as quoted in Barry, 2003: 123). Such direct and immediate articulations of self-determination, despite pressure to appease U.S. security concerns, worked to align Canada’s post-9/11 posturing with its pre-9/11 Liberal concern for Canada’s autonomy and difference from the United States.

But critics from Canada’s conservative parties were not as expressly concerned with American interests interfering with Canadian policy making. Pointing to the contradiction between Liberal posturing and the need to address U.S. identified threats to public safety, i.e. Liberal refugee policies and multicultural idealism, Canadian Alliance Leader, Stockwell Day, demanded to know during the House of Commons Question Period on October 1 2001: ‘What real and specific steps has the government taken to show Canadians that their refugee system is no longer open to terrorists and illegal applicants, real and specific steps’ (‘Day pushes for tougher refugee laws’, 2001, October 1). This conflation of terrorism with Canada’s immigration and refugee policy was not only an expression of a strategic alliance with the U.S., but also appeared to reflect and reiterate an emerging concern of the Canadian public, as evidenced by an Ipsos-Reid poll. Conducted between September 25 and 27, the poll found that 90 per cent of those surveyed believed landed immigrants should require photo identification cards (‘Day pushes for tougher refugee laws’, 2001, October 1).

On October 15 2001, the Canadian government tabled Bill C-36 in parliament, an Act to amendment the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime Act, the Terrorist Financing Act, the Canadian Security Intelligence Service Act, the National Defense Act, and the Charities Registration Act (Byrne, 2010: 170). In explaining the reasons for the bill, Justice Minister Anne
McLellan steered away from speaking to American security interests and demands, suggesting instead that the events of September 11 ‘challenged Canadians' sense of safety and security and it is this that we must address as our first priority’ (McLellan as quoted by James Striboploulos in Canada, 2004, March 31).

The bill also allowed for the creation of the Public Safety Act, the amendment of the Aeronautics Act and allowed the government to collect and use information on airline passengers. As the preamble to the bill exemplified, the provisions that were put forth, and the arguments that followed before and after it received Royal Assent, manifest a complicated debate over Canadian identity and what it means to be Canadian; i.e. the Canada we have been (HS) vs. the Canada we must become (PS): ‘Canadians and people everywhere are entitled to live their lives in peace, but terrorism constitutes a substantial threat to international peace and security as well as to Canada and Canadian institutions (Canada, 2004, March 31).

Accused by the Canadian Alliance, the Progressive Conservative party and the security intelligence communities of being negligent for its failure to adopt security provisions that had been ‘on the table’ for years (Donaghy and Carroll, 2011), the Liberal government sought to introduce legislative and institutional changes that recognized the security concerns of the U.S. and Canada, but legitimized these objectives as responses to HS concerns for human rights and freedoms. This omnibus post-9/11 security bill is better known as The Anti-Terrorism Act (ATA) and responded to both Canadian and U.S. security concerns. Presenting the bill as the product of mindful human rights considerations, the government promised that all provisions would be ‘Charter proof’ (Wark, 2006, October). As the prologue to the bill states:

The Parliament of Canada, recognizing that terrorism is a matter of national concern that affects the security of the nation, is committed to taking comprehensive measures to protect Canada against terrorist activity while continuing to respect and promote the values reflected in, and the rights and freedoms guaranteed by, the Canadian Charter of Rights and Freedoms (Wark, 2006, October: 13).
While positioning the bill as a frank acknowledgement of the ‘real’ threat of terrorism, and the primary import of protecting the security of the Canadian nation, it also worked to create a distance from a PS frame through the use of terms and phrases that operated primarily within a HS lexicon, such as ‘respect’, ‘promotion of values’, ‘rights and freedoms’ and direct referencing of the Charter. This frame was made explicit by the Minister of Justice, Anne McLellan, on October 16, 2001, when the bill was presented to Parliament: ‘Canadians can rest assured that we kept in mind the rights and freedoms guaranteed in the Charter when drafting our proposals’ (McLellan as quoted in Wark, 2006, October: 13). While Canadians rights and freedoms were ‘kept in mind,’ McLellan nonetheless makes explicit the existential threat that terrorism presented to Canada and how the ATA was an exceptional and necessary response to that threat: ‘Make no mistake, the enactment of the Anti-Terrorism Act signaled the beginning of Canada’s commitment to the ‘war against terrorism (McLellan as quoted by James Striboploulos in Canada, 2004, March 31).

Also consistent with the government’s HS discourse, the bill tied itself with a concern for international obligations, by emphasizing that the new crimes introduced under the Canadian Criminal Code conformed with, were sanctioned by, and deemed necessary by the UN. These provisions included: the financing of terrorist acts, criminalizing the willful provision or collection of funds to be used to finance terrorist acts, suppression of the recruitment of terrorist groups, and to denying a safe haven to those who finance, plan, support or commit terrorist acts (Canada. Department of Justice. About the Anti-terrorism Act). Rearticulating these provisions in terms of their explicit political objectives, the ATA worked to enact four primary objectives: 1. Bring forward tools to identify, prosecute, convict and punish terrorists; 2. Prevent the Canada-U.S. border from being held hostage by terrorists and impacting on the Canadian economy; 3. Work with the international community to bring terrorists to justice and address the roots
The Public Safety Act (originally designated C-17, subsequently C-42), was first introduced on November 22, 2001. The purpose of the Public Safety Act (PSA) was to outline the limitations to the powers of public authorities, so as to make the PSA ‘proportionate’ to the Canadian government’s Anti-terrorist Plan. The Act was enacted in December 2001, and was presented as ‘part of the Government of Canada’s overall anti-terrorism strategy’ (Canada, Review of the Anti-terrorism Act: 7).

As a complement to the ATA, the PSA updated existing aviation security authorities and protocols, facilitated the sharing of law enforcement and national security information between federal departments and agencies, deterred hoax terrorist scares from heightening public anxiety, provided tighter controls over explosives and hazardous substances and pathogens, helps identify and prevent hacking of the Department of National Defense computer systems, deterred proliferation of biological weapons, and respects the privacy of Canadians. The Act also included amendments to the Immigration Act:

- to speed implementation of measures, including: suspending or terminating refugee determination proceedings if there are reasonable grounds to believe that the claimant is a terrorist, senior official of a government engaged in terrorism or a war criminal; denying wanted persons the ability to evade justice by going to a country of their choice rather than to the country where they are wanted; imposing stiff increases in penalties for people smuggling; and giving immigration officers the authority to arrest and detain foreign nationals in Canada who are unable to satisfactorily identify themselves (The Globe and Mail, After 9/11).

On December 12, 2001, Canada and the United States signed the Smart Border Declaration, a 32-point Action Plan for Creating a Secure and Smart Border. The declaration addressed four pillars of concern: the secure flow of people; the secure flow of goods; secure infrastructure; and coordination and information sharing in the enforcement of these objectives (Canada. Parliament of Canada. Bill C-26: Canada Border Services Agency Act). In a joint press conference, Paul Manley and U.S. Homeland Security Director, Tom Ridge, suggested that
The security of our two countries will be strengthened by the action plan’. The ‘smart’ of the declaration refers to an ongoing integration of ‘smart technology’ such as biometric identifiers and expanded information sharing between the two countries to ‘make it easier to let risk-free travellers through, while catching criminals or terrorists (Ridge quoted by Gray, 2001, December 12).

These procedures of identity authentication and citizen classification were exemplified in the introduction of the Immigration and Refugee Protection Act of 2002, which gave the government wider powers to detain and deport landed immigrants suspected of being a security threat; the Canada-United States Safe Third Country Agreement (2002). This agreement banned the practice of allowing migrants to enter one country (Canada or the U.S.) on a travel visa, and then claim refugee status at the border of the other. Additionally, the Canadian Air Transport Security Authority Act, assented on May 27, 2002, established that the Canadian Air Transport Security Authority could carry out, among other things, the mandate of screening and sharing information about persons who have access to aircraft or restricted areas and security points (Hassan-Yari and Ousman, 2005: 44).

While the discourses that constituted the security policy debates will be briefly discussed in the next sections, for now it is enough to say that Canada’s objective in formulating its response to U.S. post-9/11 insecurities was to ‘create new legislation and amend already existing bills in conformity with the processes of incrementalism and proportionality’ (Hassan-Yari and Ousman, 2005: 44). Unlike the U.S. government’s Patriot Act, the Canadian government created legislation on the basis of the overarching principles found in the Canadian Constitution and the Charter of Rights and Freedoms (Hassan-Yari and Ousman, 2005: 45). While these laws were controversial and brought forth significant criticism from legal experts, human rights organizations and advocates within and for Canada’s Muslim community, Canada’s sovereignty as asserted through its defense of Canada’s unique identity – and expressed through HS discourses of multiculturalism and tolerance - provided a viable and productive defense to U.S. security demands (Roach, 2011). So while Washington’s initial and strategic post-9/11 position
towards Canada was a securitizing one, it was met immediately with a number of counter-securitization strategies. In toning down it’s oppositional rhetoric towards the U.S., committing itself to a military response, and immediately implementing security policy changes - particularly those relating to border security and intelligence sharing - Canada minimized the diplomatic and economic damage that could have ensued had a more anti-American and self-righteous HS defensive stance been adopted. As there was no evidence that the 9/11 terrorists came from Canada, the U.S. fears over Canadian security policy de-escalated into a pragmatic managing of shared (though imbalanced) security concerns between friendly neighbours operating within the sphere of familiar - though not necessarily typical - political and diplomatic exchanges.

Just as the securitizing discourse directed at Canada shifted from claims of 9/11 terrorists coming from Canada to concerns relating to the inadequacy of the U.S./Canada border security, Canada’s efforts to address the U.S.’s concerns over the threat posed by a porous border transformed into domestic policy debates over the nature of Canada’s immigration and refugee policies and the merits of racial profiling. It is before this background of shifting concerns over the nature of Canada’s threat-status and the compromise of its guiding human security principles, policies and public sentiments that the Canadian response to Omar Khadr emerged.

6.3.2 Securitization Two: Institutionalized Securitization of Arabs and Muslims.

If the state ever institutionalizes a policy of profiling or even tacitly accepts it -- worse still, be perceived to tacitly accept it -- the message that would percolate to civil society is that some people are more worthy of being given a thorough once-over and less worthy of being assumed to be innocent of wrongdoing.

- Riad Saloojee, executive director of the Council on American–Islamic Relations (Canada), 2002, June 10
While post-9/11 security debates and policies shifted the axis of political debate in Canada away from human security concerns to public safety rhetoric, it also created the condition for changes within Canada’s social and political communities by drawing on presumed ‘shared understandings’ to create new practices for inclusion and exclusion. If the securitization of Canada as introduced above represents a more traditional approach to securitization which emphasizes the creation of security problems through speech-acts, what follows in this section is an approach to securitization best understood by focusing on the ways in which securitizations emerge through security policy tools. These tools (i.e. the utilization of particular social background knowledge and understandings of threat and response [basic discourses]) transmit political and symbolic meaning and in so doing convey to ‘the population what the [securitizing actor] is thinking…and what its collective perception of problems…[are]’ (Peters and van Nispen as quoted in Balzacq, 2011: 17). Thus the capacity and function of security policy to nominate some individuals as outsiders or unworthy citizens can be seen as emerging in part through political rationales, cultural narratives, national ideations that are invoked, reiterated and legitimized during and through security policy and policy debates. The securitization of these individuals and groups as potential threats - in the context of this research, the designation of Muslims, Arab men and boys, duo-nationals, refugees, immigrants, and citizens of convenience - created the cultural horizon before which policy responses relating to Omar’s capture and detention can be made sense of.

**Stage of Identification: Security as policy.**

Policy frames represent institutionalized ways of communicating a state’s understanding of a situation (van Hulst and Yanow, 2016). Thus when the Liberal government endorsed the **ATA** as legislation constructed within the framework of Canada’s **Charter** and Liberal values, they argued, as Liberal MP Irwin Cotler put it, that

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68 While each of these constructs reflect distinct identities and are the product of particular processes of identification and valuing, they are nonetheless often universalized and conflated within the political rhetoric of policy makers, the media and the public.
the bill was ‘anchored in a generic principle of human security – involving the protection of both the security of a democracy and civil liberties including…the most fundamental rights: the right to life, liberty and security of the person’ (Cotler, 2002: 520). Critics of the bill conceded that on the surface the legislation appeared difficult to contest as the offences and powers it served to create were constitutional. Additionally, compared to the legislation passed in other countries, the Act seemed a more even-handed a response. It also provided law enforcement the powers to apprehend and prosecute terrorists) (Stribopulous in Canada, 2004, March 31). However, lawyers from the political left argued that the provisions of the bill in the context of real-world practice would not only influence the behaviour of Canadian law enforcement but in direct response, the perception of Canadians in such a way as to contradict such principled framings (Stribopoulos in Canada 2004, March 31).

A poignant example of the conflict between security policy (as discourse) and practice (as ideology) were contentiously debated over a core definition of Bill C-36, the definition of ‘terrorist activity’ and the understandings that this designation Instituted.

The first component of the definition is defined in part as an act or omission committed in or outside Canada that would be an offence under the major international treaties that apply to terrorist activities, like hijacking and terrorist bombing. The second part defines "terrorist activity" as an act or omission undertaken, inside or outside Canada, for a political, religious or ideological purpose that is intended to intimidate the public with respect to its security, including its economic security, or to compel a person, government or organization (whether inside or outside Canada) from doing or refraining to do any act, and that intentionally causes one of a number of specified forms of serious harm. (Canada, 2004, March 31).

The first component of the definition, recognizing ‘hijacking’ and ‘bombing’ as terrorist activities, was purportedly received by parliamentarians and political critics as self-evidently true and brought little retort. However, the definition’s second aspect was more contentious (Roach, 2011) due to its indirect reference to Canada’s integrated security with the U.S. and its allies (‘inside or outside Canada’); its situating of threat (most poignantly, ‘economic’ insecurity) not at the level of the state but at the level of ‘the public’; and its inclusion of protections to corporations (‘a person, government or
organization’), presented a national security profile that drew strategically and controversially from a public security rhetoric (Roach, 2011).

As a guiding principle of security, ‘terrorist activity’ articulated particular PS values over other HS ones, and was manifest in the messages communicated to multiple audiences by the definition: First, as a message to the U.S., the definition conveyed that its security concerns were being taken seriously. Second, to Canada’s corporate community it was conveyed that neoliberal concerns for keeping the Canadian/US border open for business was implicated as integral to Canada’s security. And Third, as a message to the public, it was conveyed that without such provisions as proposed, the risk to the Canadian public’s economic security would be of ‘disastrous consequences’ (Roach, 2011).

While the definition of terrorism can be construed as vague, leaving some to conclude that the ATA was more a symbolic gesture than a guiding agenda meant only to placate U.S. concerns, others saw the reference to ‘political, religious, or ideological’ motivations for terrorism, and its situatedness within a broader public safety discourse, as justifying the potential use of racial profiling and discrimination against particular suspect individuals and/or groups. Thus as a securitizing move, those who crafted and supported the ATA, the securitizing actors, worked to legitimate the breaking of rules which they themselves would break (Bright, 2012: 867). These forms of securitizations thus created the conditions under which previously impossible policies become legitimate.

While the Chretien government’s credibility and capacity to claim an agenda centered on the protection of human rights and the rule of law may have been undermined through the ensuing security policy debates, this did not mean that appeals for a more consistent HS agenda were forfeited or completely silenced. On the contrary, other securitizing actors vehemently argued for the recognition of values consistent with a HS approach. The most authoritative counters to the proposed ATA legislation came
from the legal community who argued that the proposed security policies undermined Canada’s commitment to the rule of law. Speaking to issues of social justice and equality, these arguments expressed deep concern amongst prominent legal scholar (see Choundry and Roach, 2004; James Striboploulos in Canada, 2004, March 31; Bahdi, 2003) over the legitimacy of pitting rights against security (see Chapter Three) and the presumption that threat and terrorism are objective phenomenon. For example, the Canadian Bar Association (CBA), in its formal response to Bill C-36, argued that core ambiguities, not self-evident truths, grounded the proposal as a whole. For them, the definition of terrorism and terrorist activities was of significant consequence. As the Canadian Bar Association (CBA) argued in its submission on the ATA:

Defining terrorism is not a simple task. While the September 11 attacks were inconvertibly terrorist, other examples may not be so clear. Perhaps recognizing that acts constituting terrorism can depend on (among other things) social context, historical perspective and racial, religious or other group identity, our courts have consistently refused to define the concept (Canadian Bar Association, 2001, October: 17).

In defense, however, those advocating for the bill argued that the language of the bill did not single out particular groups and therefore did not discriminate. The proposed procedures, they claimed, would put all citizens under equal scrutiny and hold each to the same standard (Byrne, 2010: 171). Further, the criteria for these necessary and legitimate ‘preventive measures’ were devised and shaped, not through prejudice, but through the calculus of risk assessment. Thus, it was claimed, the guidelines relied on criminal profiling, not religious or ethnic discrimination (Byrne, 2010: 171).

So while the policy itself could be defended as non-discriminatory, in terms of the security problems that it conveyed and how the bill would function, it nonetheless raised concerns from legal and social justice advocates that the bill failed to institute protections for those vulnerable to discrimination. In practice, it was argued, these policies would encourage and legitimate anti-Muslim racism through the bill’s ‘inevitable’ focus on Muslims and Arabs: ‘As a result, the risk that members of these groups will be unfairly targeted for investigation is great. To deny this reality regarding the larger impact of the
ATA is to delude ourselves about the truth of the war on terrorism that we are presently waging’ (Stribopoulos in Canada 2004, March 31). As Alberta law professor, James Stribopoulos argued:

The difficulty with the rhetoric of war [as quoted above by McLellan] is that it is inevitably bottomed upon an “us” versus “them” view of threat posed by terrorism. As George Bush told the world shortly after September 11: in the war against terror, “you are with us or you are with the terrorists”. Professor Stephen Toope has noted the danger inherent in this sort of rhetoric: If ‘we’ are cast as wholly good and our ‘opponents’ as wholly evil, various consequences flow, almost ineluctably. Most obviously, the enemy is dehumanized (Stribopoulos in Canada 2004, March 31).

From a securitization perspective, the problem with the invocation of war to justify discriminating practices such as risk profiling is that ‘the security and freedom of those deemed to be risks is compromised for the security and freedom of those people who are not’ (Lesley Jacobs quoted in Byrne: 171). Additionally, for a securitization to be successful according to the Copenhagen School, the full potential of the emergency measures adopted need not be realized, only that ‘the existential threat has to be argued and gain enough resonance for a platform to be made from which it is possible’ to legitimize them (Buzan et al., 1998: 25). Thus, the strategy of risk identification as adopted through practices of ‘identity management’ institutionalizes – if not in words, in its effects – a platform of a ‘politics of unease’ (Agamben, 2009; Huysman, 2008) within and across the political and social community.  

**Stage of Mobilization: Security as practice.**

As introduced in Chapter Three, the securitization of citizenship is a process that

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69 In the end, appeals for instituting protections within Bill C-36 were not heeded and the bill included no such amendments, a securitizing move premised on the PS values of privileging collective security over the valuing of the rights and freedoms of (some) individuals, those who would become the likely targets of these security practices: Muslims and Arabs. Thus a function of the public safety rhetoric of balancing state and security interests amounted not to the privileging of collective interest over private interest or the sacrifice of individual rights in the name of public security, but arguably institutionalized anti-Muslim racism and discursively made invisible the reality that for most Canadians, these security provisions, through their rhetoric as much as their practices, sacrificed the rights of only a few, i.e. Arabs and Muslims, but combined other individual’s interests, i.e. freedom from state targeting, with broader public interests, i.e. economic and state security.
determines who can and cannot access full rights of citizenship and is enacted successfully when an individual, family or group who has been authoritatively identified as posing an existential threat to the state, or its people, can be justifiably limited in their capacity to access full citizenship on the grounds that such actions will reduce insecurity (Riegal, 2008; Muller, 2004; Nyers, 2006). But such securitizations must be accepted as legitimate in order for them to work.

As Thobani (2007) and Razack (2008) have persuasively argued, the government’s introduction of legislation was publically criticized for legitimizing the practice of racial profiling and inscribing ‘suspicion and illegality onto the bodies of individuals that “look” Muslim’ (Thobani, 2007: 240). The rationalizations and counter-claims of injustice and discriminatory practices of racial profiling became mainstreamed in the public’s imagination as they were consumed, distributed, debated, supported and rejected through popular and polarizing media narratives and public debate (Abu-Laban, 2002: 459-60).

This was exemplified in an exchange of opinion pieces published in the The Globe and Mail in June 2002 (Abu-Laban, 2002: 459-460). These articles represent not only how the polarized structuring of security discourses originally presented by policy makers (as seen above) became naturalized in the voices of media elites, and subsequently the public, but also presents a public confrontation between a recently empowered PS discourse and a defensive HS discourse. Additionally, and perhaps most significantly, that the issue of racial profiling was being publically debated at all - a practice that in years prior was unimaginable within Canadian policy - opened a previously unjustifiable ‘argumentative space’ through the normalization of discriminatory logics. This move, which then feeds back to policy decision-makers in the form of constituency support, further acts to legitimate discriminatory policies (Saloojee, 2002).
On June 3 2002, columnist John Ibbitson’s article, ‘Why racial profiling is a good idea’ argued that ‘the most extreme elements of Islam pose a clear and present danger to other civilizations’, therefore both American and Canadian law enforcement and security officials should, in the name of ‘public safety’, differentially target ‘Arabs and Muslims’ (Ibbitson, 2002, June 3). As Ibbitson put it, ‘extremism in defense of public safety is not a vice’. On the contrary, ‘racial profiling is both necessary and desirable’ and ‘a valuable tool of law enforcement’ (Ibbitson, 2002, June 3). As he argued, if this means ‘scrutinizing a young Middle Eastern male with strange travel patterns more closely that a middle-aged Danish woman who has been to the same countries then so be it’ (Ibbitson, 2002: A15). Recognizing that not all Arab and Muslims ‘pose a clear and present threat’ - though for those that do ‘[t]here is no limit to their barbarity: They would attack with nuclear weapons if they could’ –the practice of racial profiling, Ibbitson informs his reader, successfully resulted in one less active terrorist on 9/11: ‘Zacarias Moussaoui was dark of skin and strange of name, and so they hauled him in on a technicality. Had they not, September 11 might have been even worse’ (Ibbitson, 2002, p. A15).

A week later, Riad Saloojee (2002, June 10), executive director of the Council on American–Islamic Relations (Canada), responded in an article entitled, ‘Why we must say no to profiling’. Reminding the reader that racial profiling has, at least in principle if not always in practice, ‘been considered a moral no-no’, Saloojee suggests that ‘in this new Zeitgeist, profiling has been endorsed by members of the security establishment, academics, policy analysts and even newspapers’ (Saloojee, 2002, June 10). Arguing that there was little evidence that racial profiling created national safety, deterred terrorism, or could have detected past known terrorists (e.g. John Walker Lindh or Jose Padilla), Saloojee invokes HS based ideations of Canada’s ‘historical legacy’ and its commitment to the rule of law:

In an effort to limit state abuse, to restrict arbitrariness, to accord transparent rights and duties, the rule of law was born. This idea -- of equality before the law
-- has been a defining principle of our legal and social infrastructure. From it sprang procedural justice and the presumption of innocence (Saloojee, 2002, June 10).

Fearing the broader implications of racial profiling, Saloojee warns that such discriminatory practices threaten to ‘stigmatize an entire community’. Thus, as an attempt to counter such policy outcomes, Saloojee works to desecuritize Arab and Muslim individuals and communities through the discursive convergence of HS values (‘equality before the law’) with the PS rhetoric of the security pact, suggesting ‘a compromise that both vouchsafes our values and safeguards our security’ (Saloojee, 2002, June 10).

Countering Ibbitson’s problematization of Arabs and Muslims as coming from ‘backward traditions that created differences and conflicts with the “normal” population’ (Alund in Kofman, 2005: 461), Saloojee utilizes the ‘normal’ language of security as a balance between rights and state security in order to convey that the Islamic communities which he represents share the same concerns for safety and security as all citizens, even those who deem their skin colour and names as indicative of potential threat.

Reminding the reader that the Islamic community is not only part of the larger Canadian collective but was already dealing with a dramatic increase in violence and vandalism against Arabs and Muslims since 9/11, Saloojee adopts a positive securitization position and situates these Canadians as threatened not only through material injury but through pervasive and normalized security logics that justify discriminatory practices both at the level of the state (i.e. rights and protections) and the individual (i.e. social belonging) (Saloojee, 2002, June 10).

If the state ever institutionalizes a policy of profiling or even tacitly accepts it -- worse still, be perceived to tacitly accept it -- the message that would percolate to civil society is that some people are more worthy of being given a thorough once-over and less worthy of being assumed to be innocent of wrongdoing. Indeed, abandoning the spirit of equality in matters of security will soon see its consequences bleed into the denial of basic equal opportunity for accommodation, employment and services (Saloojee, 2002, June 10).

Thus, as Saloojee explains, the construction of the securitized Arab and Muslim through policy, media and debate was an achievement of discourse, whose implications became
manifest in the lived realities of the peoples who were subject to, and/or practitioners of, practices of differentiation and discrimination. The implications of discriminatory security policies and the discourses that constitute and legitimize them, therefore, must be examined and understood in terms of the messages they convey, the populations they are directed at, and the consequences of their being accepted, refused or challenged. While, as discussed above, Orientalist prejudices and discrimination towards Arabs and Muslims was not new to the Canadian imagination before 9/11, the demand for changes to security and immigration policy nonetheless provided a ‘golden opportunity [to] give some already existing discriminatory ideas, policies, and technologies their chance (Lyon 2003: 4-5). These intensifications and disseminations of anti-Muslim discriminatory practices and Islamaphobic prejudices not only permitted the overriding of certain rights such as liberty and equality, and even the right to a fair trial for some (Bell, 2006), in so far as these legitimizing discourses (and opposition to them) helped shape Canadians values and sense of individual and national identity, it also limited the possibility of some citizens, like Omar Khadr, to claim their national belonging.

6.3.3. Securitization Three: The positive securitization of Omar Khadr as ‘child soldier’.

It is an unfortunate reality that juveniles are too often the victims in military actions and that many groups and countries actively recruit and use them in armed conflicts and in terrorist activities…The department is concerned that a Canadian

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70 Again, see Contesting Canadian Citizenship: Historical Readings (Adamoski et al., 2002), Citizenship in Transformation in Canada (Hebert, 2002), Exalted Subjects: Studies in the Making of Race and Nation in Canada (Thobani, 2007), Casting Out: The eviction of Muslims from Western Law & Politics, (Razack, 2008), Belonging and Banishment: Being Muslim in Canada (Bakht, 2008), The Freedom of Security: Governing Canada in the Age of Counter-Terrorism (Bell, 2011), Targeted Transnationals: The State, the Media, and Arab Canadians (Hennebry and Momani, 2013), and At The Limits of Justice: Women of Colour on Terror (Perera and Razack, 2014).
juvenile has been detained, and believes that this individual's age should be taken into account in determining treatment.’

‘This is a security matter.’

- Foreign Affairs Minister Bill Graham’s press release in response to the news of Omar Khadr’s capture (Thompson, 2002, September 6).

**Foreign Policy Context: the UN Convention on the Rights of the Child and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**

Before one can address the Canadian government’s response to Omar Khadr’s capture, it is necessary to understand it in relation to Canada’s foreign policy commitments to children’s rights and the recognition of child soldiers. Exemplifying Canada’s human security agenda prior to 9/11, such concerns constituted the frame through which Omar and his circumstances were first introduced to the public and the world.

On May 28th, 1990, Canada signed the UN Convention on the Rights of the Child (CRC) and ratified the Convention on December 13th, 1991. Over the decade that followed, the Canadian government worked to construct an international reputation as a leading advocate for the rights of children and those impacted by war and armed conflict (Stasiulis, 2002b; Canada, 1999). Such a commitment is not simply a normative act of altruism. On the contrary, in its capacity to construct a particular positive image of Canada and Canadians, it is also political, as expressions of national identity intended to crystallize certain values and priorities about a national community and its comportment towards the international community.

71 The United States also signed the Convention on February 16, 1995, but remains the only signatory not to have ratified the Convention (Ozguc, 2011).
While the CRC is the most ratified of all the United Nations Human Rights treaties, it is also the one least upheld by its signatories (Ozguc, 2011). Of its main tenents, the treaty affirms and describes the fundamental human rights of all children, i.e. all human beings below the age of 18, and dictates that governments who have ratified it have legally agreed to fulfill its provisions (CCRC, Overview). Within its preamble, the CRC outlines a number of considerations including:

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, […] Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration (CCRC, Overview).

The significance of the CRC is that it formally and universally establishes within international law children as citizens in their own right, i.e. independent bearers of rights. The major innovation of the Convention is that it articulates ‘participation’ or ‘empowerment rights’ which provide children with the right ‘to have a say in matters affecting them, and to have children’s opinions taken into account’ (Freeman as quoted in Stasiulis, 2002b: 508). As Daiva Stasiulis (2002b) puts it, children are posited as ‘active citizens’:

Rather than viewing children as pre-citizens, or as silent, invisible, passive objects of parental and/or state control and thus justifiably excluded from many civil and political citizenship rights, children are cast as full human beings, invested with agency, integrity, and decision-making capacities (Stasiulis, 2002: 509).

But while the Convention articulates these rights, it is the responsibility of its signatories to uphold them, to ensure that children are ‘active, participating citizens, playing a role in governance “according to their age and maturity” rather than simply being passively governed’ (Stasiulis, 2002b: 509). The constitution of the ‘active child citizen’ (Stasiulis, 2002b) situates the child as a ‘full human being’ and challenges the protectionist and paternalistic conventions of children and childhood that inform our understanding of responsibility, childhood development and adulthood. But while these
rights constitute human rights in relation to children, i.e. ethical and/or moral rights, they are nonetheless symbolic aspirations not rooted in social or legal statuses, and thus are ‘dependent upon the State or upon individual adults to assert, or to seek to secure or enforce their rights relating to welfare, protection, provision or participation’ (James and James, 2008).

At the turn of the century, the Liberal government took Canada’s advocacy role further arguing that the protection of children globally, particularly children in conflict, was in the Canadian interest (Canada, 1999). In its 1999 Throne Speech, the Liberal government outlined key threats to Canada’s security. At the domestic level, threats were identified as coming from ‘Québec separatists’ whose aim it was to ‘pull us apart’; while at the international level, Canada’s national security was threatened not only by ‘money laundering, terrorism, smuggling of people, drugs and guns’ but also by the growing global conditions of economic crisis, natural disaster, widespread disease, and environmental degradation that ‘undermined the security of individuals’ (Canada, 1999). This risk to individual security was epitomized in the image of vulnerable populations as ‘when children are used as soldiers in combat, when citizens are denied their rights, when civilians are caught in conflict’ (Canada, 1999). Of the diverse and significant human security concerns implicated in the global crises listed above, the plight of children in armed conflict was chosen as the cornerstone of Canada’s broader human security agenda.

Following the success of the Ottawa Convention of 1997 (the international campaign to ban landmines, which gained public notoriety for its active support from Princess Diana of Wales), a cause spearheaded by Canadian Foreign Affairs, Minister Lloyd Axworthy, Canada articulated itself as a principal player in international efforts to protect children involved in armed conflict. In the late 1990’s, the image of the child soldier was forefront in many Canadians imaginations and intertwined with the narratives of Canada’s participation in UN sponsored peace-building and post-war rehabilitation.
efforts in war-torn countries such as Rwanda, Somalia and Sierra Leone. Unlike Canada’s revered tales of under-aged grandparents who, during the first and second World Wars, lied about their age in order to volunteer for military service in the fight against tyranny and oppression, the images and stories of child soldiers emerging from these African nations were received through Western sensibilities as horrific and reflections of a ‘barbaric’ people (Orford, 2003: 172). As Orford (2003) finds, the media regularly frames peoples of Africa, Asia, South America, and Eastern Europe as ‘childlike, primitive, barbaric or unable to govern themselves’ (Orford, 2003: 172). This image of ‘infantized’ Africans and exploited child-soldier was best illustrated in the words of then United Nations Secretary-General, Kofi Anna, who advocated for the establishment of a Special Court for Sierra Leone in 2000 to address the serious crimes committed against civilians and UN peacekeepers during the country’s decade-long (1991-2002) civil war.

More than in any other conflict where children have been used as combatants, in Sierra Leone, child combatants were initially abducted, forcibly recruited, sexually abused, reduce to slavery of all kinds and trained, often under the influence of drugs, to kill, maim and burn. Though feared by many for their brutality, most if not all of these children have been subjected to a process of psychological and physical abuse and duress which has transformed them from victims into perpetrators (Kofi Anna, 2000).

Such accounts of the events of Sierra Leone’s civil war fortified international and local children’s rights organization to unanimously oppose prosecution of children under the age of 18 on the grounds that ‘persecution would undermine efforts to disarm, demobilize, and reintegrate combatants in to society’ (Ryan, 2010: 29). Although a Special Court was established in Sierra Leone that did not prohibit the prosecution of child soldiers over the age of 15, the Chief Prosecutor nonetheless chose not pursue charges of war crimes against child soldiers:

The Children of Sierra Leone have suffered enough both as victims and perpetrators. I am not interested in prosecuting children. I want to prosecute the people who forced thousands of children to commit unspeakable crimes (Saudamini Siegrist as quoted in United States v. Omar Ahmed Khadr, 2004).
Responding to the growing attention, interest and concern for children in war, the Canadian government stepped in to lead the negotiation and ratification of the United Nation’s *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (OP), which Canada ratified on July 17, 2000 (Felton, 2012). While the OP does not forbid the prosecution of child soldiers, it expressly holds that such acts be used only as a last resort and commits signatories to not recruit individuals under the age of 18 for active military service. The OP helped to usher in an international standard of recognition of ‘the special needs of those children who are particularly vulnerable to recruitment or use in hostilities’ due to their ‘economic or social status or gender’ (OHCHR, OP, 2000, May 25). With its focus on human security considerations - including ‘the economic, social and political root causes of the involvement of children in armed conflict’ - and an emphasis on ‘the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict’ (OHCHR, OP) the introduction of the OP helped Canada establish a proud national identity for itself around a cause that exemplified moral leadership and ‘good global citizenship’ (Canada, 1995: 8).

At a September 5 2002 press conference, Canada’s Foreign Affairs Minister Bill Graham, responded to media questions relating to the news of an injured and detained fifteen-year-old Canadian youth, Omar Khadr. When asked why the public was learning about the case two weeks later after the government was notified, Graham responded: ‘we had to find out whether in fact he really was a Canadian citizen. *This is a security matter*’ (Thompson, 2002, September 6). While the invocation of ‘security’ need not function as a securitizing move, as I will explain, in the context of the government’s overarching frame of the situation at hand - that the U.S. has captured and detained an injured Canadian child soldier who, despite assurances that he was being cared for, was being denied access to consular supports and services due to claims of exceptional circumstances in Afghanistan relating to his legal status, and the U.S.’s unwillingness to
engage in good faith diplomacy - I argue that it does, but in an unexpected way. In this example, the rules being broken are established patterns of behaviour in the view of the securitizing actor - the U.S.’s holding of its ally’s citizen and its refusal to respond to diplomatic requests - and the Canadian government’s request that such behavior change in order to resolve the issue at hand (Bright, 2012). Additionally, Canada’s response represents a unique example of a state- articulated securitizing move at the level of the individual (positive) that is deployed in response to ongoing securitizing moves made by the U.S. at the level of national security (negative). As I will demonstrate below, due to the execution of its deployment, Canada’s counter-securitizing move was unequivocally unsuccessful and exemplifies a failed attempt to establish its referent object.

Stage of Identification: Omar as child soldier. As the Liberal government informed the media of Omar’s capture and detention, its response to the event was articulated through three different securitizing agents: Prime Minister Jean Chrétien and Bill Graham, Minister of the Department of Foreign Affairs, who each spoke directly to the media, and Gar Pardy, the Director General of Consular Affairs, who drafted the government’s official press statement. The result, as will be shown below, is an uncoordinated mixings of agendas and contradictory messages, presenting frustration and resignation, concern and reassurance, normality and exceptionalism.

The government’s lead response to Omar’s capture and detention, as reported in the media, came from Prime Minister Chrétien and closely followed a human security script with its emphasis on equality and the rule of law. ‘I have been informed that he has been arrested. When a Canadian has been arrested abroad, we always ask to serve the Canadian citizens according to the rules’ (Chrétien as quoted in Thompson, A., 2002, September 6). This message is directed primarily to a Canadian audience as at the level of societal security, emphasizing: First, Chrétien’s authoritative leadership in handling the situation at hand; Second, that the government views the status of the detained citizen (he does not use Omar’s name) as equal to other Canadian citizens in general, and those
detained abroad in particular - regardless of his age, family, or potential crime; And third, that procedurally the government will advocate (‘ask’) for the rule of law to be followed just as it does with any individual in such circumstances. What is not said or omitted in each discursive delivery of the government’s response is equally interesting.

The Canadian public was told that Chrétien had been informed of the arrest but not how or by whom. Chrétien’s statement - in its effects not necessarily its intent – discursively works to hide the lack of communication and uncooperativeness from the U.S. government and the struggle behind the scenes of the Canadian Foreign Affairs Department to gain information about the identity and status of their citizen (Shephard, 2008; Gar Pardy, 2017, August 16). That Canadians are informed/reminded that the citizen in question will be treated like any other Canadian enacts, to the contrary, recognition of the citizen’s difference, a difference that is significant enough to necessitate repeated articulations of his sameness. Finally, in normalizing the situation (‘When a Canadian has been arrested abroad, we always ask’), deescalates the implications of the first two issues (i.e. U.S. Canadian antagonisms and Omar’s difference), and instead insinuates that these issues will be attended to by both countries through conventional appeal practices within the familiar and neutral territory of diplomacy and legal obligations established between the two countries (‘according to the rules”).

This normative frame continued as, steadfast to a HS discourse of equality, Chrétien clarified that circumstances like these trigger universal responses, regardless of the individuals involved: ‘We try to get access for the consul rights of the citizen and so on. We will deal with this person the same way we deal with any Canadian arrested in any country’ (Chrétien as quoted in Thompson, A., 2002, September 6). Again, bolstering the central claim of Omar’s Canadian citizenship status, Chretien’s procedural accountnormalizes the event and status of the detained citizen under the societal rubric of collective belonging. While formally, these statements hide key markers of Omar’s
differences - his age, ethnicity, religion, and name - the explicit emphasis on his non-difference suggests the work of making invisible these differences as strategically necessary for making Canada’s actions and answerability recognizable in terms of his political, social and national status.

While Chrétien’s message reinforces Canada’s liberal claims of equality and equal rights before the law, the message from the Minister of Foreign Affairs, Bill Graham, articulates an important exception relating to this case. First, Graham explicitly addresses questions relating to U.S./Canada diplomatic relations: ‘Canadian officials have yet to be allowed to meet with the teenager’ (Graham as quoted in Alberts, 2002, September 6). This statement should be read in two parts. The first part, ‘Canadian officials have yet to be allowed’, speaks to a range of audiences. The implicit message to a Canadian audience was that Canadian officials are dissatisfied with the U.S. government’s handling of the situation and its citizen. Additionally, this statement was also a message directed to the U.S. government, whose cooperation had been of an ‘oblique manner’ (Thompson, 2002, September 6), and to the larger international community, whose significance as an empowering audience would be invoked. By clarifying to all that Canada’s ‘brother’ to the south was not extending its usual familial courtesies, Canada signals broadly, first, that even the long revered U.S./Canada relationship had shifted and Canada was not receiving its standard and expected preferential treatment; and second, that Canada was allied with other Western countries who presumably were also feeling diplomatic frustrations and strains with the U.S.  

72 When asked to respond to his neglect to include Canada in the list of countries the U.S. was grateful to during his September 20th, 2001 speech to both houses of Congress, U.S. President George Bush, Jr. Bush said that the forgotten acknowledgement was a reflection of Canada’s position as ‘a brother’ and member of ‘the family’. See McKenna, B. (2001, September 25).

73 This position of being aghast that Canada was being treated without special consideration is made explicit in late October following a meeting between Graham and U.S. Colin Powell. Openly frustrated by the U.S. treatment of Canadian citizens crossing the U.S./Canadian border, Graham fumed: ‘They have no respect for the French passport, the British passport, the passport of everybody else,’ he said. They're not treating us any differently from (the way) they're treating Mexicans, or Frenchmen, or British or anybody else’. See Thompson, A. (2002, October 31).
The second half of the statement, ‘to meet with the teenager’, draws definitive attention to the age of the detained citizen. By explicitly establishing that the U.S. government was refusing to allow consular access to a ‘teenager’, Graham’s statement subtly calls-out the U.S. for potentially being in breach of recognized international and domestic standards of conduct pertaining to the treatment and rights of children. This subdued accusation of wrongdoing, however, was further softened by the acknowledgement that Omar’s physical wellbeing appeared not to be in immediate jeopardy, as verified through a well recognized third party human right’s group: ‘I understand that the Red Cross has seen him and have ascertained that he is being properly cared for’ (Graham as quoted in Freeze and Boyd, 2002, September 6).

In addition to the statements provided above, the most significant staging of the situation comes in the form of a statement crafted by the Department of Foreign Affairs and prepared by Gar Pardy, the Director General of Consular Affairs. Pardy, Canada’s frontline diplomat, was responsible for backstage negotiations and correspondence. His prepared press lines began by explaining how Omar was ‘being treated as a “Person Under Control” by U.S. authorities and has received medical care. He has not yet been charged’ (Pardy as quoted in Freeze et al., 2002, September 7). And elsewhere, ‘Mr. Khadr has not been charged’ (Pardy as quoted in Bell, 2002, September 6). That Omar has not been charged comes as both a relief (perhaps he’s not guilty?) and a concern (how can he be detained without charge for 16 days?). This is followed with a stock policy statement that speaks to the responsibility and limits of consular access for citizens detained abroad:

Canadians detained in foreign jurisdictions have the right, if they request it, to meet with a Canadian consular official… In meeting with such persons, Canadian officials are not making a judgment on the validity of the detention or the validity of any charges that may subsequently be brought (Pardy as quoted in Bell, 2002, September 6).

As the Department of Foreign Affairs was actively seeking consular access, this
statement conveys to the public and the U.S. that it is Omar’s right to seek consular assistance (‘have the right, if they request it’) and that such interventions are politically non-threatening as they do not entail passing judgment on the pending charges.

Though the Canadian government’s address of its consular policy is textbook, the statement goes on to explicitly express the broader ‘exceptional’ circumstances within which these services must contend: ‘Because of the ongoing conflict, the situation in Afghanistan is a complex one and as a result, the principles usually followed when Canadians are detained in foreign countries in times of peace do not necessarily apply’ (Pardy as quoted in Alberts, 2002, September 6).

This statement is significant for a few reasons. First, despite previous assurances of the supremacy of the rule of law in terms of directing and ensuring the actions of the Canadian government and the upholding of the rights of its citizens, this statement conveys that the legal parameters within which the Canadian government is attempting to extend these principles are unclear and possibly legally untenable. While the reason is only implied, the issue is in part due to Omar’s ambiguous status as a ‘Person Under Control’ (PUC), for unlike a ‘Prisoner of War’ (POW), PUCs detained in Afghanistan and Iraq - or so the U.S. government claimed - did not qualify for the protections provided by the Geneva Convention (Cole, 2009).

Second, this statement undermines the Canadian government’s assurances that standard procedural responses will bear fruit. This situates Canada’s capacity to intervene as limited and puts the blame and thus the ultimate responsibility for Omar’s treatment on the U.S. who has claimed the right to limit access to those detained in the Afghan conflict. And third, it (re)iterates as fact, the U.S. claim that the ‘situation in Afghanistan’ is so ‘complex’ as to justify the breaking of established interstate agreements and normal diplomatic patterns of expectation and responsibility.

The statement goes on to make a strategic assertion regarding Omar’s status. Invoking the authoritative and yet untarnished human security element still ascribed to
Canada’s international reputation, Pardy locates Omar’s detainment and the circumstances of his capture as a case pertaining to the realities and vulnerabilities of child soldiers:

It is an unfortunate reality that juveniles are too often the victims in military actions and that many groups and countries actively recruit and use them in armed conflicts and in terrorist activities…Canada is working hard to eliminate these practices, but child soldiers still exist, in Afghanistan, and in other parts of the world…The department is concerned that a Canadian juvenile has been detained, and believes that this individual's age should be taken into account in determining treatment (Thompson, 2002, September 6).

Unlike most examples of securitizing moves presented in the securitization literature, the Canadian government’s invocation of ‘child soldier’ status explicitly deviates from a negative approach to security and advocates for Omar’s well-being, with specific respect for his age, both at the level of the individual (a Canadian juvenile with rights and privileges) and as a part of a larger collective identity (child soldier).\(^74\) Addressing not only the Canadian public but also the international community and the United States directly, Pardy’s attention to Omar’s status as ‘child soldier’ explicitly invokes the UNCRC and OP. The regulatory power of international agreements does not reside in a central regulatory body but through the tactic of normative practices, and if needed, the ‘mobilization of shame’ (Drinan, 2002). Canada’s claim to Omar’s child soldier status invites other signatory governments who too may be frustrated with the U.S., to bear witness to Omar’s status and to provide formal support in the form of normative pressure (shame) on the U.S. to comply to international standards pertaining to the detention and treatment of ‘victims of military actions’ as outlined in OP, of which the U.S. is a signatory (Hyndman, 2010).

As Waever explains: ‘Power holders … try to use the instrument of securitization of an issue to gain control over it’ (Waever, 2005: 6). Thus, by enacting the language of

\(^{74}\) While a conical approach to securitization theory does not recognize, and would even protest, the assertion that the Canadian government’s statement constitutes a securitizing move, there is little question that the Canadian government was nonetheless trying to do just that, without regard for the Copenhagen School.
an established and naturalized ‘Canadian’ human security position, the Canadian government draws on the formal and moral capital that still thrived as a universal value of international concern, i.e. child soldiers, in order to enact some measure of control over the situation and across audiences. If successful, Canada’s positive securitizing move could at once serve to protect Omar as a child soldier as well as reinvigorate and reinstate the value and authority of Canada and its human security agenda.

As demonstrated above, policies require identities, and these identities must be continuously restated, negotiated, and reshaped subjects and objects (Hansen 2006: 259). The mutually constitutive relationship between Canada’s human security agenda and its national identity, meant that the stakes of this securitizing move – the locating of Omar as an object of intervention - was particularly high. In so far as Canada’s national identity had been threatened by the intensification of state security, the outcome of their attempt to securitize in the positive at an inter-state level carried particular significance and gravity because through its success or failure it would define whether ‘we’ are still ‘us’ (Buzan and Waever 1997).

Stage of Mobilization?: A failed securitizing move. There are a number of reasons why the Liberal government’s attempt to securitize Omar as a child soldier failed. According to the Copenhagen School, ‘The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked’ (Buzan 1998: 32). Thus, one of the first explanations for this failed securitizing move points to its securitizing actors. In the past, the strength of Canada’s advocacy for child soldiers and children of conflict, both domestically and internationally, was inextricably tied to Lloyd Axworthy. As the ‘norm entrepreneur’ (Nossal, 2010: 108) of Canada’s human security agenda, the absence of Axworthy, and his well articulated and informed understanding of the stakes of human security and the child soldier status, left a profound gap in the capacity of Canada to substantively make such a claim.
In contrast, Gar Pardy was a behind the scenes advocate. His position as Director General of Consular Affairs situated him as one with authoritative knowledge; yet he nonetheless presented this critical issue (a Canadian child soldier’s detention) in an awkward and unassuming written statement. The securitizing move begins by suggesting that Omar is a victim of ‘military actions and that many groups and countries actively recruit and use them in armed conflicts and in terrorist activities’ (Thompson, 2002, September 6). That he holds the position of child soldier is to be gathered from Pardy’s account of Canada’s continued advocacy in this field: ‘Canada is working hard to eliminate these practices, but child soldiers still exist, in Afghanistan, and in other parts of the world’ (Thompson, 2002, September 6). This inference is then confirmed but only passively: ‘The department is concerned that a Canadian juvenile has been detained, and believes that this individual's age should be taken into account in determining treatment’ (Thompson, 2002, September 6). With the subject of child soldiers of Sierra Leone still present in the minds of a Canadian audience, and with Canada having a reputation as a leader in its advocacy, the saliency of the issue had the potential to present the necessary felicity conditions to gather a critical threshold of moral support for the claim that Omar was a victim, and that his security was threatened. But the written statement, both in message and in medium, lacked performative force.

According to Roe (2008), at this stage of the securitization process, the stage of identification, Pardy is trying to identify Omar as a child-solder and one that is further threatened by the U.S.’s failure to recognize this status or allow him consular service. If Pardy is successful he will be able to garner enough moral support at home and internationally to mobilize, if needed, normative international pressure on the U.S. government to honour the OP agreement and offer appropriate protections to Omar. But there are additional problems with this effort: in the press statement, Omar’s status is not directly stated but inferred, which undermines the force of the identification.
Additionally, as mentioned above, the message is prepared as a written statement and is not spoken or verbally defended by either the Prime Minister or Bill Graham. This gives the impression (true or not) that the argument is not in fact a critical or central position, for if it were it would presumably be presented both as a statement and in person by a key securitizing actors (Chrétien and/or Graham). Thus, the designation of child soldier status appears tactical and not a sincere expression of Canada’s commitment to children in conflict. This was unabashedly admitted in a 2008 interview where Pardy recalls his frustration with the U.S. for not responding to DFAIT requests. Here, Pardy explains the strategic use of the child soldier designation and his hope for a strong moral response to such an attack: ‘I wanted to use his age as the largest club we had to beat up the Americans on (Freeze, 2008, July 11).

The combination of three different elite securitizing actors, each presenting different messages and concerns, and the cobbled integration of formal written statements with spoken comments (some clear, some not, some contradictory) undercut attempts to present a coherent and successful securitizing move. Instead the media event presented a picture of a disjointed, annoyed and inarticulate government uncertain about Omar’s physical, mental or legal status and vexed over the U.S. government’s aloof responses to Canadian concerns. As a National Post editorial by Isabel Vincent (2002, September 6) observed:

The Department of Foreign Affairs seems to understand [that Canadians can’t expect special treatment], but somehow feels that it needs to assure Canadians that they are protecting citizens abroad. In yesterday’s rather confused statement to the press, Foreign Affairs officials stated they were demanding Omar Khadr have the right to Canadian consular access (they had sent a diplomatic note to the Americans about this), but at the same time recognized that there is really nothing the Canadian government can do for him (Vincent, September, 6).

From a securitization perspective, other fundamental aspects of the government’s language foreclosed on the possibility of a successful articulation of Omar as an ‘object of intervention’ (Chandler, 2004). A core component of classic securitization theory is that the securitizing actor introduces the intersubjective establishment of an existential
threat with a saliency sufficient to have substantial political effects. Yet the government’s repeated assurances as to Omar’s wellbeing and their expressed confidence in the Americans’ care of him conveyed that Omar was not at risk and was not imminently threatened. That this assurance came with the knowledge that Omar’s age was not being taken into consideration – which is precisely the nature of that which threatens him as a child citizen and/or child soldier – signified the government’s inadequate understanding of the stakes of the designation of child soldier status, children’s rights and advocacy, and subsequently presented an incoherent message and impotent securitizing move.

As Philip N. Johnson-Laird (2005) put it, the explicit language of security discourse ‘is usually a blueprint for a state of affairs: it relies on the [audience] to flesh out the missing details’ (Johnson-Laird as quoted in Balzacq, 2005: 184). Thus, it is useful to end this discussion with a return to Bill Graham’s securitizing comments from September 5, 2002. Explaining why the country was just hearing about Omar’s capture 16 days after the Department of Foreign Affairs was notified, Graham stated: ‘we had to find out whether in fact he really was a Canadian citizen. This is a security matter’ (Thompson, 2002, September 6). While at first glance Graham’s security reference seems innocuous or incidental, an examination that takes the language of security as a ‘blueprint of a state of affairs’ points to how this ambiguity of meaning can be seen as articulating succinctly the government’s comportment - its power and its limits - to the person for whom it was supposedly advocating. The significance of the ambiguous ‘this’ in Graham’s declaration of a security matter and its relationship to Omar’s identity should give us pause. What is ‘this’ that he is referring to? (Omar’s name? child soldier status, US/Canadian relations?), and what is the purpose/effect of calling ‘it’ a ‘security matter’?

As an ad hoc response to the media’s inquiry, the government’s first explicit invocation of ‘security’ relating to Omar is articulated authoritatively (‘This is a security
matter’) but follows a somewhat incomplete explanation: ‘we had to find out whether in fact he really was a Canadian citizen’ (Graham as quoted in Thompson, 2002, September 6) as the U.S. had not yet disclosed his name. It is never asked or offered what was entailed in the process of verification or qualification of Omar’s identity or citizenship. Such questions, as determined by their absence from all examined articles, appear to have been unwelcome and/or left behind. As discussed at length in Chapter Two, speaking security conveys to an audience – in this case, the print media and its readership - the message that, in this case, whatever ‘this’ is, it is a ‘security matter’ and ultimately not open for further inquiry. In effect, the issue of ‘Mr. Khadr’ (Graham as quoted in Thompson, 2002, September 6) is claimed to be something being dealt with by government decision-makers and being played out not before the public, but somewhere else… end of discussion.

If security as a speech act is indeed a unique and powerful discursive mode, the effect of Graham’s above statement can be seen as two-fold: if accepted, the illocutionary force of his statement would foreclose on the possibility of further inquiry. Thus Graham’s declaration of Omar’s case as a security matter could move the line of inquiry away from questions concerning its frustration and diplomatic impotency to the familiar Canadian frame of, for example, the need for ‘quiet diplomacy’. On the other hand, if the press does not accept Graham’s explanation, then the media is left to flesh out the missing details of the issues for themselves. As the next securitization example will illustrate, the latter would prove to be the case.

6.3.4. Securitization Four: Negative Securitization of Omar as ‘Terrorist’.

Media as Securitizing Agent.

As will be demonstrated below, while the reporting of the Omar Khadr case in the press may not alone constitute a process of securitization proper, in so far as it naturalizes narratives and stages discursive confrontations through the use of familiar and recognizable frames, it works to render particular accounts, and not others, as expected
and unproblematic. Journalism is a principle convener of security discourse and debates (Cottle, 2006: 3). Thus the press should be considered a powerful medium for identifying threats and for constituting or priming an audience’s receptivity to certain securitizing moves (and not others). Additionally, the media acts as a medium through which securitizing actors map out and target populations (i.e. empowering audiences) based on stereotypical constructions of referent objects (i.e. Omar, Canadian-ness, national identities, the dangerous or fraudulent immigrant, the entitled citizen and ‘citizen of convenience’) that they themselves hold or find strategically useful (Balzacq, 2011: 9). These presentations of securitizing frames enact critical procedures in ‘sense-making’, a process of engaging how value and identity selections are made, how names are given, how threat categories are created, and how security stories are told (Hulst and Yanow, 2016: 105).

**Stage of Identification: First Impressions and the Khadr Effect.** On September 6 2002, the Canadian public awoke to the headlines: ‘U.S. holds Canadian teen as al-Qaeda assassin’ (Freeze and Boyd, Sept. 06, 2002), ‘Toronto teen held for terror role’ (Thompson, 2002, September 6), ‘Ottawa seeks access to Canadian teenager: Suspected terrorist’s son’ (Alberts, 2002, September 6).

With few details relating to Omar’s capture, well-being or treatment, the news media immediately set to work constructing a back-story to the Canadian teen ‘held for terror role’ and suspected of being an ‘al-Qaeda assassin’ (Freeze and Boyd, September 06, 2002). If the first question that followed the government’s statement was: Who is Omar Khadr? The first response provided by all three Canadian papers was that he was a ‘Suspected terrorist's son’ (Alberts, 2002, September 6) whose father was once helped by Jean Chrétien.

‘The Khadr Effect’ is an expression that was popularized by Toronto Star reporter, Michelle Shepherd (2008), in her book *Guantanamo’s Child: The untold story of Omar Khadr*, but the expression first appeared as the title of an anonymously written
Globe and Mail article published on October 5, 2005. Though the phrase originally had a number of connotations, it came to denote a warning of what could befall a government when an object of intervention - i.e. a citizen detained abroad who receives diplomatic assistance - is later found to be a source of discomfiture. As discussed above, the source of this diplomatic cautionary tale pertains to Prime Minister Chretien’s advocacy of Ahmed Said Khadr, a Canadian-Egyptian national, who was detained in Pakistan. Suspected of being involved in an Egyptian embassy bombing in Islamabad, Ahmed was charged soon after but was then released and later cleared of charges due to a lack of evidence. Half a decade later, and following the events of 9/11, the U.S. government compiled a list of 39 suspected terrorists: Ahmed Said Khadr was on the list for allegedly financing al Qaida terrorist activities (Alberts, 2002, September 6).

On September 6 2002, Canadian newspapers began, to varying ends, to construct Omar’s identity in relation, not only to the alleged ‘sins-of-his-father’ (Martin, 2004, April 15) but also as a symptom of the alleged sins-of-the Liberal government. Stewart Bell of the The National Post was the first to explicitly characterize Chrétien’s intervention as an ‘embarrassment’ though (as will be shown) he was not alone in adopting this frame. Bell did, however, go further than other reports by staging the embarrassment (Bell, 2002a, September 6) effectively in three acts. First, Bell introduces a caricature of the Omar family as constructed by reporters who visited the Khadr home on the day Omar’s capture becomes public.

A man who emerged from the Scarborough home of Fatimah Elsamnah, the teenager’s grandmother, shouted ‘goddamn Zionist pigs’ and told reporters to find a ‘real story’ such as ‘all the Palestinian children who have been slaughtered.’ He said U.S. soldiers in Afghanistan had ‘wrecked people's lives’ (Bell, 2002a, September 6).

A neighbour is also quoted as saying that ‘When the planes hit the World Trade Center, [Elsamnah] said the Yanks deserve what they get’ (Bell, 2002a, September 6). In another article from the same day, Bell continues to draw attention to Elsamnah who, Bell explains, believes the accusations against her son-in-law [Ahmed] is ‘simply proof that
Muslims are mistreated in Canada’. Once again quoting her directly: ‘Wake up Canada! Canada is for everybody not for some people and other people have to suffer because we are Muslim…Because we are Muslim, we are better than anybody else’ (Bell, 2002b, September 6).

Arguing that the Khadr family was ‘Al-Qaeda’s Canadian vanguard’, and framing them as anti-Semitic (the teenagers' grandmother, shouted ‘goddamn Zionist pigs’) and radicalized (‘the Yanks deserve what they get’; ‘Because we are Muslim, we are better than anybody else’), socially combative and undignified (shouting racist comments at reporters in public), ungrateful and self-entitled (‘Wake up Canada! Canada is for everybody not for some people’) – and that’s just the grandmother! - Bell locates the family within a PS frame, as antithetical to Canadian values and a material distillation of the threat posed by Liberal immigrant policies. Such policies, Bell implies, permit ungrateful Muslims, their parents and ‘six’ children to seek refuge in Canada. So while the ‘case against Mr. Khadr is unproven’, the grandmother’s words and disposition implicates the family as threatening, and in so far as they are ideologically poised against Canada in the Afghanistan War, are situated threateningly as the enemy within. Bell follows this characterization with reference to the 1996 incident in Pakistan:

The case could prove politically embarrassing for the Prime Minister, who personally intervened on behalf of Ahmad Khadr during a 1996 state visit to Pakistan. At the time, the senior Mr. Khadr was under arrest for his suspected role in an embassy bombing in Islamabad that killed 17. Mr. Chretien sought guarantees from Benazir Bhutto, the country's prime minister at the time, that Mr. Khadr would receive due process and fair treatment. He was released from custody shortly after the visit, though Mr. Chretien has said he did not request he be freed (Bell, 2002a, September 6).

Outlining Chretien’s questionable advocacy for the undeserving Khadr family and how this intervention inadvertently - at best - resulted in Ahmed’s release despite his being accused of participating in a significant terrorist event, Bell implies that in the case of Omar Khadr, history is repeating itself.

Yesterday, Mr. Chretien said Canada is now seeking similar assurances from U.S. authorities that Omar Khadr would be treated in accordance with international law. ‘I have been informed that he has been arrested. When a Canadian has been
arrested abroad, we always ask to serve the Canadian citizens according to the rules,’ Mr. Chretien told reporters. ‘We try to get access for the consul rights of the citizen and so on. We will deal with this person the same way we deal with any Canadian arrested in any country’ (Bell, 2002a, September 6).

Chretien’s reference to helping ‘any Canadian’, within the context presented by Bell, frames Chretien’s statement as strategically defensive as it speaks to both his past as a naïve advocate of Ahmed and his present as a foolish supporter of Omar.

While Bell’s framing of the Khadr family and Chretien’s advocacy was animated and transparent, the overarching story was nonetheless congruent with the accounts presented by other papers, though Chretien’s ‘assistance’ is presented without explicit judgment. The Toronto Star (which would later come to be known as the expert on the Omar Khadr case and the most sympathetic to his cause)75 deemed Ahmed’s past and his release from Pakistan detention to be ‘another twist’ in Omar’s story:

‘…this one involving Chretien. The father of the teenagers [Omar and Abdul], Ahmed Said Khadr, an Egyptian-born Canadian citizen, was arrested in Pakistan in 1995 in connection with a bombing of the Egyptian embassy in Islamabad that killed 16 people and injured 20. But he was released after Chrétien appealed to Pakistan to give him due process’ (Thompson, 2002, September 6).

Though the reference is brief, Thompson nonetheless implies that the timing of Ahmed’s release points to Chrétien’s intervention as having helped him. While implicitly locating responsibility with the Prime Minister, Thompson leaves it to the reader to evaluate the virtue of Chrétien’s judgment. The Globe and Mail too was non-committal in its narrative of the incident, suggesting that ‘[i]t’s not clear whether these interventions helped Mr. Khadr, but he was let go’ adding that he ‘returned briefly to Canada, where he was the focus of increased scrutiny’ (Freeze, 2002, September 6). Continuing to walk this line between Chrétien’s intervention as both reasonable and of poor judgment, a September 19 Toronto Star editorial appears to encapsulate the paper’s middle-of-the-road position: ‘Ahmed Khadr, is an alleged Al Qaeda financier who's on the run. Jean Chretien once went to bat for him (to the PM's regret), urging that he be treated fairly while in a

75 This was due to the extensive investigative reporting of the Toronto Star’s security writer, Michelle Shepherd (2008), author of Guantanamo’s Child: The Untold Story of Omar Khadr.
Pakistan jail. He was released. A brother [of Omar’s], Abdul, 19, is now being held in Kabul as an Al Qaeda fighter’ (‘Missing in action’, 2002, September 19).

While Chrétien denied embarrassment for asking for due process for a Canadian citizen being held without charge – a citizen whose reputation in Canada at the time was that of charitable man committed to helping orphans of Afghanistan - it was only when Ahmed’s two sons (Omar and Abdul) were captured and detained by the Americans in Afghanistan that this episode in the Khadr family story came to be framed as a cautionary government tale. Thus the embarrassment came, not as a blush of regret, but from the media’s construction of Chrétien’s intervention as regrettable, a determination grounded in the presumption of Ahmed Khadr’s guilt, an accusation that today remains unclear.

In looking to media frames as processes of making other frames or narratives invisible, inert, irrelevant and/or silent (Hansen, 1998), it is interesting to note that the newspapers reviewed gave no explicit mention, and thus no discursive (i.e. political) room for presenting Chrétien’s request for due process - a central HS tenet - as admirable or even justifiable. This speaks again to how ‘the Khadr Effect’ cannot be understood as something inherent to Chrétien’s original actions, but rather was an event previously constructed as consistent with an HS agenda that later became seen through the lens of public safety concerns. From this perspective, such advocacy appeared illegitimate, irresponsible, and as will be demonstrated next, still immediately relevant (Thompson, September 7, 2002).  

If the first stages of securitizing Omar as a threatening individual emerged from tracing his circumstances and potential guilt to his father, and the past mistakes of the Liberal government, then the second stage was to situate Omar within claims of a Canadian based terrorist network. On September 7, the day after the initial publication of Omar’s capture and family expose, The Globe and Mail featured two articles addressing

76 The meaning of ‘the Khadr Effect’ would later be posited as an explanation or excuse for a government’s reluctance to help (some) of its citizen’s being detained abroad, as it may prove ‘embarrassing’ in the long run (Whitaker, 2012).
Omar Khadr. The first, ‘Canadian soil a long-time staging ground for al-Qaeda’, informed the reader that although Canada was not considered a ‘hotbed of terrorism’, over the past decade a ‘number of alleged and convicted terrorists are believed to have hatched conspiracies that involved Canada’ (Tu Thanh Ha and Freeze, 2002, September 7). While Canada’s security agencies claimed to have been successful in thwarting the activities of some operatives, the ambiguity of these activities is not explored. Instead the potential for continued terrorist threats is situated as a reflection of prohibitively strict legal protections for individuals on Canadian soil and the ‘secrecy, and…ever-changing roster of terrorist cell members: ‘Terrorism is like a spider in its web, with each cell one of its strands…The arrest of one does not cause the collapse of the network to which he belongs’ (Tu Thanh Ha and Freeze, 2002, September 7). Thus, the prevention of terrorist activity by Canadian intelligence communities is paradoxically presented not as successes but as further evidence of the insidiousness and creeping terrorist threat in Canada.

Tu Thanh Ha and Freeze go on to name eight men who were alleged to represent Canada’s terrorism connection: ‘These are among the most prominent men, many of whom have been linked to one another’ (Tu Thanh Ha and Freeze, 2002, September 7). Implying that most of these men were the product of various waves of immigration to Canada, the nationality of each individual was listed along side their alleged or convicted crimes. The names implicated two Algerian-born individuals, one who ‘obtained Canadian citizenship’ while the other ‘sought refugee status in Canada’; three men with

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Citing a 1993 incident where an aircraft ‘destined to be Mr. bin Laden's private plane sat on an airstrip in Iqaluit’, the article claims that this event gave Canada the reputation of being ‘a launching pad’ to take other targets because the Canadian system is very lax. The evidence of Canada’s lax system is attributed not to the plane that landed on Canadian soil but to an unrelated 1999 investigation where ‘the French judges Jean-Louis Bruguière and Jean-François Ricard arrived in Montreal to investigate suspects with ties to terrorists in France. Canada took six months to grant them permission to be present while a judge took depositions from suspects. During the closed proceedings, the French magistrates were surprised to hear the Canadian judge tell the suspects that they had Canada’s protection and were not obliged to answer questions. One suspect announced he had nothing to say and left. Judge Bruguière turned to a Canadian official and snapped: ‘Is that what you call a judge in Canada?’ (Tu Thanh Ha and Freeze, 2002, September 7).
an Egyptian connection (i.e. ‘Egyptian-born’, ‘Egyptian’ and ‘Egyptian-born Canadian citizen’, and Omar’s father, Ahmed Said Khadr); and two with Saudi Arabia connections, with ‘Saudi-born’ Osama Bin Laden topping the list. As the article’s characterization of Ahmed’s link to terrorism is alleged and precarious (citing as evidence of his guilt only that ‘People who knew him say he then became more secretive’ and suggesting that he ‘lived under the name Abu Abdurahman and often went to Afghanistan’), the authors present the capture of ‘Omar’ along with his brother ‘Abdul’ as material evidence of Ahmed’s terrorist guilt: ‘Abdul Rahman, 19-year-old son was captured by Northern Alliance forces in November; Omar, 15-year-old son has been arrested by the U.S. military following a deadly shootout’ (Tu Thanh Ha and Freeze, 2002, September 7).

Though very little was known of Omar Khadr, articles such as this filled in the void of knowledge by locating Omar’s family and personhood within a familiar security story of Canada as a terrorist safe-haven, and placing the Khadrs on a list of ‘the most prominent men’ of Canadian terrorism. Invoking the trope of ‘the enemy-within’, the article conflates Canada’s insecurity with immigration and refugee policies, and Muslim men with al Qaeda. Enabled to operate as al-Qaeda operatives ‘on Canadian soil’, these individuals are in turn constructed as the Arab Other, duplicitous and suspect men of the Muslim faith who have tried to, or have successfully, duped Canadian officials into providing them with Canadian citizenship, thus exemplifying how ‘[terrorist] groups are using Canada as a launching pad… because the Canadian system is very lax’ 78. As a way of making sense of Omar’s Canadian citizenship, stories such as these ‘emplot’ (van Hulst and Yanow, 2014) questions of his belonging or not within a web of associations that, however precariously presented, situated Omar within two degrees of separation from Osama Bin Laden, a relationship mediated by his father, a ‘suspected bin Laden

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Stage of Mobilization: Counter-securitization as alternative leadership frame. It is within this broad context of homegrown terrorism that the Chrétien government’s formal introduction of Omar’s capture, and the Liberal narrative frames that accompanied it (e.g. Omar as Canadian citizen, child soldier, security matter), were confronted with the official counter-securitization to the victim-based claim that Omar was a child soldier. This position was articulated by Stephen Harper, the leader of the Canadian Alliance on September 7 2002, but was not equally attended to by all examined newspapers. While the Globe and Mail did not mention Harper’s response, an Allan Thompson article in the Toronto Star, appearing on page A14, summarized Harper’s criticism as: ‘the [Liberal] government may have bungled a major security case and allowed Canada to be used as a platform for terrorist operations’ (Thompson, September 7, 2002). Going on to directly quote Harper, Thompson situates these comments as a polarizing retort to the Liberal government’s concern and uncertainty over the legality of Omar’s possible appearance before a military tribunal.

These marginalized presentations of an alternative government position is in sharp relief to the National Post’s front-page article published the same day, ‘Controversy grows over teen terror suspect: Held after soldier killed: Harper worries Canada becoming platform for terror’ (Bell et al., 2002, September 7). Not only did the article feature Harper and his comments centrally, both in the content and its title, it also fixed Harper before its readers as an authoritative commentator. As will be shown, Bell et al. (2002, September 7) positions Harper as a political anchor and voice of reason in light of new security concerns. The article accomplishes this by explicitly locating the Canadian Alliance leader’s comments within a broader PS narrative that Harper himself only insinuates.

Bell et al.’s (2002, September 7) narrative draws from the systemic conflation of two post-9/11 tropes: Canada as a safe haven for (Muslim) terrorists and Canada playing
host to undeserving non-conforming (Muslim) immigrants. As will be shown, this was not an inaccuracy unique to the *National Post*. Bell et al. (2002, September 7) open the article by (re)introducing the Khadr family: the father, Ahmed, is ‘well-connected to the Osama bin Laden terrorist network’; Omar’s radicalized sister, Zaynab, was at 16 engaged to a man ‘linked to an Egyptian militant group’ who ‘disappeared following the bombing of the Egyptian embassy in Islamabad’; Omar’s brother, Abdul, was ‘captured by Northern Alliance forces last November’, and of particular interest, the mother, Maha Elsamnah, who ‘escorted’ and ‘accompanied’ a 14-year-old Omar to ‘the troubled region from Canada last year’. ‘The prospect that a Canadian mother’ took her teenage son from Canada to a region where he allegedly joined a terrorist faction raises troubling new questions about the case’ (Bell et al., 2002, September 7). As if answering these unasked ‘troubling new questions’, Bell immediately offers the insights of a former chief of strategic planning at the Canadian Security Intelligence Service, David Harris, who, in trying to make sense of Omar’s mother’s actions, naturalizes them as symptomatic of her religion and/or culture, ‘I guess once you've engaged in that world view that's what you do’.

In presenting the Khadr family as antithetical to Canada’s secular ‘world view’ and Canadians ‘valuing and safe-guarding of their children’, Bell implies that the Liberal government’s attempt to gain access to the ‘two Canadian teenagers’ and their concern for Omar’s treatment based on his age was ill placed and politically weak. Concentrating the Liberal government’s position within a partial and mollified response made by a Foreign Affairs spokesman, Bell quotes Reynald Doiron, ‘We are expecting a reply from the American authorities’ (Doiron as quoted in Bell et al., 2002, September 7), suggesting within the context of the article that the Liberal government was in a situation of impotently waiting on the U.S.

79 Although I do not have the opportunity to address it here, the excellent work by Razack (2008) addresses the unique form of racial and cultural discrimination experienced by Muslim women in Western discourse.
Absenting the Liberal government’s explicit HS framing of Omar as a child soldier, the article finally moves to the stated subject of the article, i.e. Stephen Harper’s comment, which after much lead-up is presented authoritatively as it addresses what the Liberal government has seemingly failed to acknowledge: that the detention of Omar (and his brother) is symptomatic of pressing security policy concerns.

Stephen Harper, the Canadian Alliance leader, said yesterday he was not concerned about the fate of the two Canadian teenagers. He said he was more worried about what the incident might say about Liberal government policies. ‘We want to find out how this happened and what role if any the government of Canada had, or what mistakes it may have made that led this situation to happen,’ he told reporters at the end of a caucus meeting in Barrie, Ont. The incident underlines the Alliance's concerns about "Canada being a platform for activities that are dangerous to the Western alliance," he said. Mr. Harper said the Canadian Security Intelligence Service has issued reports claiming terrorist groups were active in Canada. ‘There are significant security risks here’ (Bell et al., 2002, September 7).

Echoing the imminent threat and need for action presented a year before by Lynch-Staunton speaking to the Senate of Canada in the aftermath of 9/11, Harper utilizes the event of Omar’s capture, and the media’s comportment to it, to reiterate and reinvigorate post-9/11 public safety concerns and undermine the public’s perception of its current political leadership. Within the context of Bell et al.’s (2002, September 7) article, brief comments made by Stephen Harper are presented not only as a counter to the Liberal government’s child soldier frame, but Harper himself is situated as an important voice for political change in light of present day national security concerns.

6.3.5 Securitization Five: Differential Positioning and the Negative Securitization of Omar as ‘Bad Immigrant’

In early September 2002, as the Canadian media and Canadians were deciding on the significance of claims pertaining to Canada’s homegrown child-soldier/terrorist and the implications of his capture and detention, the ‘troubles’ (Harder and Zhyznomirska, 2012) of other Canadians also began to appear in the media. Between 2002 and 2005, the debate over Omar Khadr’s legal status and social state of non/belonging was read alongside and incorporated into stories pertaining to another Canadian, Maher Arar.
Arar’s case was significant in framing Omar as it presented a critical, contrasting, and in its difference, competing example of an insecure Canadian citizen in need of the Canadian public’s recognition and advocacy. As this event occurred concomitant to Omar’s capture and transfer to Guantanamo, the positive construction of Maher Arar as a deserving Canadian citizen in need of protection inadvertently contributed to the discursive construction of Omar Khadr as categorically different (Hodges, 2003) and his citizenship as undeserving, precarious, and even ‘accidental’ (Krysmanski, 2002, September 21).

**Differential Policy Context: The Successful Positive Securitization of Maher Arar as the ‘good immigrant’**

In September of 2002, Canada’s Department of Foreign Affairs was working to establish diplomatic communications with the U.S. on issues of gaining access to Omar Khadr and his potential transfer to Guantanamo Bay. By the end of that same month, another Canadian, Syrian-born Maher Arar, too found himself in need of Canada’s help when the U.S. renditioned him to Syria on September 26 2002. There, Arar was detained, interrogated and tortured over 374 days before being returned to Canada.80 As a 2005 inquiry (SIRC, 2006) into the case divulged, Arar had been wrongfully flagged by Canada’s post-9/11 RCMP led intelligence operation Project O Canada (later A-O Canada)81, and was suspected of having al Qaeda connections following an Ottawa café

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80 On September 26 2002 as Arar was returning home to Canada following a family vacation in Tunisia, he was detained by U.S. Immigration and Naturalization Services (INS) as he changed planes at John F. Kennedy Airport in New York. Following two interviews with Arar, in which he denied being a terrorist but admitted associations with two presumed Canadian terrorists (Abdullah Almalki and Ahmad El Maati), the INS charged Mr. Arar with being a member of a terrorist organization. Based primarily on classified evidence, the Regional Director ordered on October 1 that Arar be extradited from the United States because ‘he had been found to be a member of a foreign terrorist organization, al-Qaeda. On October 8 - the day following Omar’s Bagram interrogation where he was encouraged to identify Arar as someone he had seen in Afghanistan years before. See Freeze (2009, January 21). Arar was extradited from the U.S. to a prison in Damascus.

81 For an investigative documentary into the operations of the Project O Canada task force and Canada’s role in the detention and torture of Canadian citizens, see McKenna, T. (Chief Correspondent). (2016, September 23). Al Qaeda's Family. *The Fifth Estate* [Television broadcast]. Toronto, Canada: CBC News.
meeting with Abdullah Almalki, another Canadian erroneously suspected of terrorist affiliations. The RCMP then passed on their suspicions of Arar as ‘facts’ to U.S. security agencies. While the construction of Arar’s (and others) guilt arose through precarious associations crafted by Canadian intelligence reports, the story of his desperate situation and the injustices he endured were being crafted by press reports on Arar’s capture and rendition. Of particular significance was his wife’s high profile and effective public campaign that insisted on Arar’s innocence and demanded his release and return to Canada.

**Stage of Identification: Arar as Victimized Canadian Arab Citizen.**

In mid-October 2002, Foreign Affairs Director, Bill Graham, publically responded to a breaking story, what *The Globe and Mail* called the ‘mysterious case of Maher Arar’ (SIRC, 2006). Situating Arar within the context of recent and familiar narratives of Canada’s ‘diplomatic battles’ (Cheney, 2002, October 17), ‘diplomatic friction’, and ‘diplomatic tiffs’ (Walkom, 2002, October 29) over the U.S.’s handling of Canadian citizens at border screenings, the article framed the Canadian government’s response as a clear expression of Canadian sovereignty (Cheney, 2002, October 17). As Thomas Walkom (2002, October 29) of the *Toronto Star* put it, ‘Washington's behaviour here was so improper that even the Canadian government felt compelled to protest’.

Unlike their initial incoherent and defensive attempts to securitize Omar Khadr, the language of the Canadian government’s response to Arar’s circumstance resonated as forceful and authoritative, a characterization reinforced by the October 17 2002 *Globe and Mail* article titled, ‘Graham takes on U.S. over deported Canadian’. Unequivocally framing - at least initially - the actions of the U.S. as unjust, Graham claimed Arar was a deserving object of intervention and his circumstance symptomatic of broader issues pertaining to the unjust treatment of Canadians entering the United States.

A diplomatic battle has erupted between Washington and Ottawa over the deportation of a Canadian telecommunications engineer by U.S. officials who refused to explain why he was arrested and sent to Syria. ‘A person travelling on a Canadian passport is a Canadian citizen and has a right to be treated as a
Canadian citizen,’ Foreign Affairs Minister Bill Graham said yesterday after delivering a speech in Montreal. ‘I have registered our protest to the United States’ (Cheney, 2002, October 17).

In the months prior to Arar’s extradition, the Canada Foreign Affairs Department (DFAIT) was inundated with complaints over discriminatory treatment of Canadians at the U.S. border due to a U.S. law that required ‘Canadian citizens born in Iran, Iraq, Libya, Sudan or Syria to be photographed and fingerprinted [and registered] when entering the United States’. As Raja Khouri of the Canadian Arab Federation argued, ‘Young Muslim males, especially bearded ones, are routinely hauled over at the border’ (Siddiqui, 2003, October 12). The U.S. authorities argued that such security measures were necessary as nationals from these countries presented ‘an elevated national security risk’ (Alberts and Thompson, 2002, October 31). In response to these discriminatory actions, Graham articulated a strong sovereign stand against the U.S.’s securitizing of its citizens, and declared that Canada had ‘registered our strongest disapproval’ to the U.S. government. Discursively rooting his condemnation of the U.S. in the moral superiority of Canada’s HS identity, Graham deemed the actions of the U.S. as ‘inappropriate under our Charter of Rights and even the U.S. constitution’ (Alberts and Thompson, 2002, October 31). Furthering constructing the U.S. as threat, the Canadian Foreign Affairs department issued on October 31, 2002, a warning to Canadians born in the above-mentioned countries to ‘consider carefully’ travel to the U.S. ‘for any reason’ (Alberts and Thompson, 2002, October 31).

The media’s positioning of Arar’s extradition within the broader narrative of U.S. practices of racial profiling and the ‘disrespect’ being shown to ‘the Canadian passport’ - despite being ‘best friends’ with its northern neighbour (Thompson, 2002, October 31) - helped enable Maher Arar to became successfully securitized before the Canadian public as a citizen in need of, and deserving of, protection. As an extreme and exemplary symptom of U.S. harassment and targeting of Canadian Arab citizens - nicknamed by some as a case of ‘flying while Arab’ (Melcher, 2006) - the Arar case would come to
incite a strong moral and active response from the Canadian public justified through claims of his innocence and concern for his well-being.

While the Canadian government’s initial public response to Arar’s circumstance was forceful and scathing, these strong public articulations of offense and injustice quickly fell away and were replaced by reserved comments replete with the merits of quiet diplomacy. Dissatisfied with the Canadian government’s efforts to advocate for her husband, Arar’s wife, Dr. Mazigh, publicized her husband’s ordeal in order to ‘raise awareness of Arar’s plight and to urge the government to secure his release’ (Macklin, 2008: 14). In response, Gar Pardy of Consular Affairs expressed concern to journalists that the increased level of media attention might not be helpful in securing his release, even going so far as to request that Arar’s wife consider toning down her public campaign (SIRC, 2006: 331). But Dr. Mazigh was not dissuaded and continued to speak publically of her husband’s detention and torment.

**Stage of Mobilization: The ‘Good Immigrant’ as Effective Securitizing Actor.**

The construction of Arar as a victim was not based solely on an account of what had happened to him and how he was being treated. On the contrary, his victimhood status was equally, if not more so, grounded in the nature of his citizenship, i.e. that he was a ‘good immigrant’ (Molloy, 2012) and thus worthy of being considered one of ‘Us’. In sharp contrast to the media’s introduction of Omar Khadr - a ‘suspected terrorist's son’ (Alberts, 2002, September 6) and ‘al Qaeda assassin’ (Freeze and Boyd, 2002, September 6) who was implicated in the ‘murder’ of a heroic American medic in a firefight in Afghanistan - the Canadian press emplotted Arar within a neoliberal narrative of the successful, resourceful and self-sufficient immigrant - an exemplary case of Canada’s multicultural and immigration policies - who was unjustly deemed a threat because of his place of birth and religion.82 Educated and self-reliant, Arar, Canadians were told, lived in

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82 See Thobani (2007: 154) for her discussion on how the virtues of multiculturalism can perpetuate the status quo through the construction of racialized communities as bearers of difference coded as culture
Montreal and Ottawa when he came to Canada as a teenager, but later became a ‘well-known telecommunications engineer with credentials that include a master’s degree’ (Thompson, 2002, October 31).

He is married with two children. He once spent a year working at a Boston-area software firm called Mathworks, where co-workers recall him as a talented and dedicated engineer. One described him as ‘an up-and-up guy’ and said he couldn’t imagine him being accused of being a terrorist. Another acquaintance at an Ottawa software company said Mr. Arar was ‘a kind and decent guy -- if you were sick, he was the guy who would come over to help you get better’ (Thompson, 2002, October 31).

As Kitchen and Sasikumar (2009) put it, such descriptions of Arar’s credentials and normal life made it ‘easy to turn Arar’s story into that of a typical Canadian’ (Kitchen and Sasikumar, 2009: 163).

As a securitizing actor, Dr. Mazigh appeared and was received as a legitimate and trustworthy advocate for her husband, despite being immediately identifiable as Muslim. As Audrey Macklin described her: ‘a hijab wearing Muslim woman with a PhD in finance, [she] was composed, articulate and earnest’ (Macklin, 2008: 19).

Adding further authority to Mazigh’s claim of Arar’s insecurity, the Secretary-General of Amnesty International Canada, Alex Neve, regularly accompanied her at press conferences and public events. The presence of a well recognized third party advocate for human rights not only made Mazigh’s claim of torture and abuse appear more credible but also amplified her call for urgent political intervention (Macklin, 2008).

Maher Arar was finally released on October 5 2003. Though the Arars’ battle to make the Canadian government accountable for its part in Maher’s extradition and torture had just begun, it was the persistence of Dr. Monia Mazigh’s and her work with human rights groups that is widely credited for forcing the Canadian public and the government to not only remember Arar but to advocate for him as one of their own.

_The Securitization of Omar Khadr as ‘Accidental Citizen’_

against normalized backdrops of whiteness.
When the case of Maher Arar first came to the public’s attention, the media introduced Arar’s circumstance in relation to the already recognizable case of Omar Khadr. Together they were often represented as separate instances of U.S. harassment of Canadian citizens and/or Canada’s failure to protect or advocate for its citizens being detained abroad. By mid-October 2003, however, the public campaign for Arar’s return and the media coverage of the RCMP’s leaking of intelligence documents to the Ottawa Citizen detailing Arar’s torture confessions came to overshadow Omar’s case. More still, the once strategic equating of their victimhood status had become no longer useful and potentially detrimental to Arar’s claims of innocence and belonging. The effective muting of security narratives pertaining to Canada’s teenage Guantanamo detainee became apparent when, just after Arar’s return, journalists drew on Arar’s case to point to injustices that continued to be enacted against Omar:

Arar’s case has been the most high-profile case but not the only one (Siddiqui, 2003, October 12).

Mr. Arar's case is not the first to spark diplomatic friction over the handling of a Canadian citizen by U.S. officials. Omar Khadr, a 15-year-old Canadian, has been held by the United States in Afghanistan since July 27 without being charged (Walkom, 2002, October 29).

[Arar’s return] won't be the last ‘terror file’ on Martin's desk. Two Canadian brothers, Omar and Abdul Rahman Khadr, are still being held by the Americans at Guantanamo naval station, without being charged (‘Let Martin probe the Arar scandal’, 2003, November 24).

Despite these brief reminders, the animated parliamentarian debates over Maher and the public outcry and demand for an inquiry into ‘the Arar affair’ meant that between 2003 through 2005, claims of Omar’s insecurity and vulnerability would indirectly vie for legitimacy before the public against the backdrop of Arar’s recognized ‘Canadian-ness’ and victimization (‘U.S. eyes special courts for detainees’, 2006, July 1).

Stage of Identification: The Khadr family as ‘bad immigrants’. If the constructed image of the Arar family exemplified to many the successful and good immigrant family, one deserving of membership and belonging, then the Khadr family handily embodied its
opposite. Presented as personifying the very contradictions inherent to Canada’s multiculturalism and open immigration policies - as seen through a PS lens and adopted by political opponents of the Liberal government - the Khadr family assumed the position of the entitled immigrant who failed to appreciate and adopt the values of the national community. Instead, the Khadrs appeared to privilege their own Muslim identity and values and claimed them as an expression of their right and liberty as Canadians. This ‘bad immigrant’ frame was exemplified, once again, by the words of Omar’s grandmother. Defensive of accusations aimed at her son-in-law, Omar’s father (whose nickname in Afghanistan, ‘the Canadian’, was sacrilege to many Canadian ears), Fatima Elsamnah ‘angrily’ positioned her family and Muslims in Canada as victims of discrimination and deserving of their Canadian citizenship: ‘Wake up Canada! Canada is for everybody not for some people and other people have to suffer because we are Muslim…Because we are Muslim, we are better than anybody else’ (Bell, 2002b, September 6). If the National Post’s inclusion of quotes such as this were intended to invoke a strong and expected response from its conservative readership, the poll results above testify to the paper’s attunement to its discursive community.

But the National Post was not the only paper to convey its readership’s frustration with the Khadrs and subsequently, Omar. Toronto Star columnist, Thomas Walkom, summarized ‘the rap on Omar’:

A common refrain goes something like this: Toronto-born Omar has spent so much of his young life outside of Canada that he is not a real Canadian citizen and therefore deserves no help from this country (Walkom, 2002, September 24).

As a letter to the editor read just days before, ‘the case of 15-year-old Omar Khadr’ is not even a ‘worthy topic’ of commentary (Krysmanski, 2002, September 21):

He might be a "Canadian" by accident of birth, but this should not confer on him all-out government support because "he is one of us." His family returned to Pakistan when he was a toddler. Since then his family's activities (as reported in the press) appear to be ample proof of the regard with which this family holds Canada and Canadian values. Khadr's situation does not warrant more than the cursory attention it is receiving from the Canadian government. The conduct of the Khadr family is what gives immigrants to this country a bad name (Krysmanski, 2002, September 21, italic added).
Exonerating the government from criticisms of neglect, the author argued that if the government was providing only ‘cursory’ attention to Omar it was in fact justified. Devaluing the privilege and entitlements of Omar’s birthright, the author reduced Omar’s native-born citizenship to one of convenience and instrumentality, emptying it of its sentimental and nationalist character. Situated as an absentee citizen whose activities outside of the country were suspect and notorious, the values of Omar and his family were deemed antithetical to Canada, to Canadians, and presumably those ‘good’ immigrants perpetually stained by the exploitive reputation of ‘bad’ immigrants like the Khadr family. As another commentator offers, ‘the Maple Leaf does not look good on [Omar]; it does not belong. He has never earned that privilege’ (Stinson, 2002, September, 23).

Though appearing pervasive, not all commentary on Omar situated him as unworthy of defence. On the contrary, there were many examples of Canadians echoing the sentiment of Fatima Elsamnah, one even appropriating her frame: ‘Canada needs to wake up and start protecting its own interests and citizens’ (Chiarelli, September 16, 2002). For individuals working to draw attention to Omar’s threatened state, the discursive strategy for many was to focus on Omar’s rights and citizenship and to avoid addressing the Khadr family ideology, terrorist links, Omar’s age, guilt or innocence. At the same time, the very public ‘un-Canadian-ness’ of the Khadr family could not simply be ignored. For some advocates, this meant incorporating humour into the commentary and drawing attention to Omar’s lack of popularity as a means of undermining emotive or ‘knee-jerk’ response frames to his circumstance. For example:

He may be a particularly awful Canadian teenager. Perhaps he should be charged with something, murder, insurrection, unlawful possession of a firearm, terminal stupidity. What’s so interesting is that we as a country don’t seem much interested. (Walkom, 2002, October 29).

For others a viable positive securitizing rhetoric was to utilize the language and/or reasoning of oppositional commentators to craft a counter-response in order to re-validate
claims that had been rhetorically spun from their original meaning. For example, Isabel Vincent’s editorial, ’There should be no special status for this kid’ (Vincent, 2002, September, 6), presented the authoritative opinion of Sean Maloney, a professor of war studies at Kingston’s Royal Military College who argued that Omar’s age should not allot him the legal designation of ‘special status’ typically afforded to children held in detention: ‘Canadian law and Canadian concerns are absolutely irrelevant [in the case of Omar Khadr]…There should be no special status for this kid’ (Vincent, 2002, September, 6). Maloney’s discursive redirection of the meaning of ‘special’ away from its legal definition to a connotation of singular or exceptional treatment was picked up and utilized by the Toronto Star columnist, Thomas Walkom, as a means of response and critique:

There should be no special status for this kid,’ read a front-page headline in one Toronto paper. In fact, that headline writer was correct. There should be no special status for Khadr. He should be treated according to law. The problem is that, right now, he is not… (Walkom, 2002, September 24).

Arguing that treating Omar without consideration of his legal status itself constituted singular or exceptional treatment, the author suggested that indeed, Omar should not receive ‘special’ treatment. Walkom then goes on to say:

Who knows what would be discovered if Omar Khadr, Canadian citizen, were accorded the basic right of facing his accusers in open court under internationally accepted rules of law. Perhaps this teenager is not as guilty as the world assumes. Perhaps he is even guiltier. Thanks to his special status as an uncharged, unconvicted, permanent prisoner, the world will never find out (Walkom, 2002, September 24).

Pointing to the ‘special status’ that Omar was receiving, i.e. the ad hoc designation of ‘enemy combatant’ status bestowed on all Guantanamo detainees by the Bush administration, the author performed a dialectic of meaning-construction by re-articulating ‘special status’ as both a legal and exceptional designation; and in so doing, outlined the process of the U.S.’s securitization of Guantanamo detainees: i.e. exceptional circumstances claimed in the name of security in order to impose exceptional, ‘special’, legal status on Guantanamo Bay prisoners that allowed for their indefinite detention and
As the above examples introduce, 2002 advocates for Omar’s well-being regularly focused their discussions and counter-arguments on nuanced defenses of his citizenship and legal rights, both domestic and international. But in 2003, stories focused on Omar became less frequent (See Table 3). This was in part because of the Canadian government’s refusal to speak on the case, as well as the presence of competing stories of home grown terrorism and other threatened Canadian citizens, such as Maher Arar.

Additionally, issues pertaining to Omar’s family, in particular Abdurahman Khadr’s return to Canada, and unconfirmed reports of his fourteen-year-old brother, Karim, and father, Ahmed Said Khadr, being killed in Pakistan, outshone stories of Omar’s continued detention. Although regularly mentioned in stories of the Khadr family, Omar’s name and circumstance was typically added only anecdotally as a point of reference or to provide context. This peripheral attention to Omar would, however, change in 2004 as his family became branded, ‘Canada’s First Family of Terrorism’ (Pipes, 2004, March 16).

On March 3, 2004, the CBC’s The National aired a two-part documentary entitled, ‘The Khadrs’ (McKenna, 2004, June 14). As a recent National Post article, ‘Why Omar Khadr's sister, who once defended 9/11 attacks, is coming to fore again: Omar Khadr asked the Court of Queen’s Bench in a recently filed application to lift the communication restriction with Zaynab Khadr’ by Tom Blackwell (2017, August 27) reveals, the event would mark a significant and enduring skewing of the Canadian public’s opinion regarding the Khadr family and Omar’s capture, detention, prosecution and repatriation. Part one of the documentary focused on the story of Omar’s second older brother, Abdurahman, who - the narrative went - was a young man, the ‘black sheep’ of the ‘al Qaeda family’ who, once captured by the Americans, was convinced to become a paid informant for the CIA. Detained in Guantamano’s Camp X-Ray, Abdurahman was tasked with spying on his fellow detainees.
When asked about his alleged terrorist father, Ahmed Khadr, Abdurahman claimed:

Two or three times, I’m not sure, but two times, I’m sure now, my father himself tried to get me to become a suicide bomber. He sat me down with the Al Qaeda scholar, he sat me down with the person to train people to become suicide bombers. He sat me down with these two people and tried to convince me to become a suicide bomber. He’s like, you know, you’d be our pride in this family, you’d be our pride if you do this (Abdurahman as quoted in McKenna, T, 2004, June 14).

Part two of the documentary took place in Pakistan where Omar’s mother, Maha Elsamnah, and eldest sister, Zaynab, were living and where his eldest brother, Abdullah, was in hiding, having been accused of a January 2004, suicide bombing that killed a Canadian peacekeeper in Kabul, a charge he still being alive, denied (McKenna, 2004, June 14).

With his face hidden in shadow, Abdullah spoke to journalist, Terence McKenna, and answered questions relating to his family’s association with Bin Laden, whom he said was a father figure and ‘something like a saint’. ‘I see him as a very peaceful man’ (Shephard, 2004, March 4). In trying to explain his participation in military training camps in Afghanistan, Abdullah equated them with hockey camps in Canada, and said that they were not dissimilar to ammunitions and weapons training camps that operate across the U.S. Among his reflections, Abdullah recalled meeting Jean Chrétien in 1996 in Pakistan when his father was hospitalized. When asked what Chretien said to him, he responded: ‘He told me that “[O]nce I was a son of a farmer. And I became prime minister. Maybe one day you will become one.” That was a nice compliment’ (McKenna, 2004, June 14).

While being interviewed, Omar’s mother and sister were seated across a table wearing black niqabs with only their eyes showing, a detail mentioned across papers. Throughout the interview the women spoke of their pride for Omar and defiantly defended him for the crime he had allegedly committed. As Zaynab put it, ‘If you were in that situation what would you have done?...What do you expect him to do, come up with
hands up in air? I mean, it’s a war…Why can’t he shoot at you? If you killed three, why can’t he kill one? Why is it? Why does nobody say you killed three of his friends? Why does everybody say you killed an American soldier? Big deal.’ Her mother shared this sentiment, ‘Wouldn’t you like your Canadian son to be so brave to stand up and fight for his right?…I would like my son to be brave’ (McKenna, 2004, June 14).

Adding fuel to the fire already lit in the minds of the Canadian public, the Khadr matriarch, Elsmnah, went on to say that she would be proud to have her children become suicide bombers (Gordon, 2005, March 21), adding that she sent her four sons to al-Qaeda training camps because it was better than raising them in Canada where ‘by the time he’s twelve or thirteen he’ll be on drugs or having some homosexual relation or this or that’. When asked about the September 11 2001, the women also offered that the attacks on the U.S. were ‘deserved’ because of their alliances with ‘the Israelis’ and because, as Zaynab put it, ‘They’ve been doing it for such a long time, why shouldn’t they feel it once in a while?’ (Gordon, 2005, March 21).

**Stage of Mobilization: The Successful Securitization of ‘Citizens of Convenience’**

On the day following the broadcast, each paper offered an account of the Khadr family’s ‘pro-al Qaeda comments’ (Bell, 2004, May 19) and reported on, and contributed to, the public outcry that it elicited: ‘the outrage has climbed from the grassroots to the highest political levels’ (Freeze, 2004, April 17). And yet surprisingly, in the first days, the press did not give voice to this upset in the form of editorials or letters to the editor; this did not occur until mid-April when Omar’s sister, brother and mother sought to return to Canada. Despite this absence of constituent commentary in the press, the CBC documentary nonetheless set the tone for how the public would respond to the Khadr family’s return. This event effectively became burned into the Canadian consciousness and was regularly invoked by critics of Omar and his supporters for more than a decade to come.
Offering the first formal political response to the broadcast, the Conservative Party’s Foreign Affairs critic, Stockwell Day, rose in Canada’s House of Commons on March 3 2004, to introduce the issue of the ‘Khadr clan, vocal advocates of terror and suicide bombing …who want to waltz back in to Canada after being guests at bin Laden's training camp?’ ‘Do [the Khadrs] have a right to return to Canada?’ Sourcing his frustration in Liberal immigration policies, Day argued that Canada was ‘a “soft spot” for those [like the Khadrs] who are enemies of democracy’ (Canada, Debates of the House, 2004, March 8). Offering an ambiguous call to mobilize against unwelcome citizens like the Khadr family, Day asks: ‘What action will be taken, not words?’ Questioning the legitimacy of the Khadr’s claim to citizenship, and undermining the values of the Liberal HS discourse, the trajectory of Day’s PS rhetoric aligned with an emergent and growing conservative constituency who shared both his frustration and his resolve (Canada, Debates of the House, 2004, March 8).

On April 10, Stockwell Day’s exasperation returned with the news of Omar’s 14-year-old brother Karim and their mother Maha Elsamnah’s return to Canada: ‘Canadian citizenship is diminished when we allow it to be extended to people like the Khadrs…They think they can prance back into Canada, recharge their batteries and go back out into the field to do what they’ve been doing up until now’ (Wattie and Cowan, 2004, April 10). Presenting a PS frame of citizenship, this argument operated as a means to justify Canada’s right to strip away citizenship for those who undermine ‘our’ basic tenents of ‘tolerance, respect, and acceptance of others’ (‘Uneasy questions from Khadr case’, 2003, December 3). For those who decide to ‘join foreign holy wars’, they must, according to a Toronto Star editorial, recognize that ‘Citizenship is a privilege… not a right that can be abused with impunity’ (‘Uneasy questions from Khadr case’, 2003, December 3). Though the power of the federal government to revoke Canadian
citizenship would not become law until 2015, the power to remove social citizenship - to expel the Khadr family from the collective belonging - was already well under way.

Having long been characterized as ‘Al Qaeda loyalists who take advantage of Canada's generous immigration policies and exacting judicial traditions’ (DiManno, 2003, December 1) the first wave of returning Khadr members who ‘strolled into Toronto waving a Canadian flag of convenience’ (Martin, 2004, April 15) evoked visceral and even threatening retorts from angry citizens. A popular sardonic narrative of Omar’s mother and her wheelchair bound son, Karim, who was 14-years-old when he was shot and paralyzed in a Pakistan raid that killed his father, was that they were carefree and entitled Islamic extremists endowed by their citizenship, which gave them the unmerited privilege of waltzing (Stockwell Day in Canada, Debates of the House, 2004, March 8), prancing (Wattie and Cowan, 2004, April 10), and strolling (Martin, 2004, April 15) back into Canada. These striking and pitiless images - especially given Karim’s spinal injury and paralysis - assumed an openness in the mind of the reader to put aside sympathy for the Khadr family and direct their attention to the ill-fit of the Khadr family’s citizenship and the convenience of their claims to belonging. Suggesting that the Khadr family was only returning to Canada to receive medical treatment for Karim, Don Martin wrote in the National Post, ‘Elsamnah Khadr should be about 20 years too late to claim medicare for her 14-year-old son Karim’ (Martin, 2004, April 15), while Margaret Wente editorialized in the Globe and Mail, ‘There’s no substitute for [Canada’s] medicare’ (Wente, 2004, April 15).

83 In February 2014, the Harper government introduced Bill C-24, ‘the Strengthening Canadian Citizenship Act’. Revisiting the ‘Khadr Resolution’ (See Chapter Four), the ‘Omar Khadr Bill’, as it was nicknamed, sought to provide the government unilateral discretion to revoke citizenship from naturalized or native-born citizens if convicted of a terrorist offence, high treason, or several other serious offences, in any country, and sentenced to at least five years in jail. Though critics argue that the bill violated citizens’ Charter rights and protections, the ‘Omar Khadr bill’ was passed in the name of public safety and came into effect on May 24, 2015 (McQuigge, 2015, May 25).
The ‘public’, as determined by editorials and letters-to-the-editor examined, expressed little support or sympathy for Karim. But, as introduced above, other commentators were less reserved in expressing a belief that sympathy was decidedly unmerited. This was evidenced again by Wente (2004, April 15) as she parodied the experience and circumstance of Karim’s injury: he was ‘just trying to earn his Junior Jihad badge when somebody shot back’ (Wente, 2004, April 15), and again by Don Martin (2004, April 15) who rationalized Karim’s nomination for civic expulsion and foreclosed on the legitimacy of the Khadr family’s ‘claim to Canadian compassion’:

Sure, you feel for the son in a wheelchair. Even if he was actively engaged in the gunfight that caused his injury, this is a kid who was captive to an upbringing that undoubtedly forced him to graduate from toilet training directly to terrorist training. But the sins of his father are so many and this misuse of citizenship of such brazen self-interest, they lack any legitimate claim to Canadian compassion (Martin, 2004, April 15).

The government’s public response to the controversy over the Khadr family’s recent television appearance and their return to Canada was largely absent. Nonetheless, in a rare offering, newly appointed, Prime Minister Paul Martin, publicly defended the Khadr family by directing the frame away from debate over the deservedness of their citizenship to the fact of their citizenship and their ‘rights to dissent’ (Tibbets, 2004, April 16), a democratic virtue epitomized in the HS discourse, but delivered here as a cursory rebuttle. In sharp contrast, Scarborough resident, Donna Campbell, responded to the news of their return by publically heeding a call to action against the ‘Khadr clan’. Ms. Campbell took to circulating a petition online called ‘Deport the Khadr Family’ (Shephard, 2004, April 13). ‘I plan on sending (the petition) to the politicians who have aided and abetted in sneaking an Al Qaeda family into Canada’ (Shephard, 2004, April 13). In the first day, nearly 367 signatures were recorded. By April 17, nearly ten thousand Canadians had signed (Khan, 2012: 55). As one petitioner wrote, ‘Send them packing. They are not welcome here’ (Shephard, 2004, April 13). The message was a familiar one for the Khadr family, as The Globe and Mail journalist, Colin Freeze discovered when he interviewed the Khadr family in their home:
There are Palestinian flags and Arabic verses on the walls, Hollywood movies beside the VCR and five threatening messages on the answering machine. ‘You’re not wanted in this country,’ says one anonymous caller. "Get the hell out of this country, you bastards," says another. ‘I thought maybe by now you’d get the hell out of here and take off back to Pakistan with your al-Qaeda friends,’ says a third (Freeze, 2004, April 17).

As discussed in Chapter Three and above, the difficult work of successfully campaigning for the return of a detained citizen requires a legitimate public advocate who is media-savvy and is well received by the public. If Dr. Mazigh - composed, articulate and earnest - represents the ideal securitizing actor for such an undertaking, then the Khadr women and brothers, with their vocal disavowal of Canadian values, and hasty, often ‘insulting’ (Walker, 2004, January 26) ad hoc statements to the media, represent the antithesis of successful securitizing actors. As many commentators have argued: ‘Public sympathy toward Mr. Khadr [Omar] has been muted by the militant views that most of his immediate family members express on national television, where they also frequently invoke their rights and privileges as Canadian citizens’. As Omar’s mother put it: ‘I'm Canadian, and I'm not begging for my rights; I'm demanding my rights’ (Freeze, 2004, August 21).

Thus the difference between Mazigh’s capacity to speak to Arar’s insecurity and the Khadr family’s failure to speak to Omar’s, can be said to come down to a question of valuing, where the practical availability of diplomatic protection to a citizen abroad is determined by evaluations of Omar’s normative claim to membership by the polity (Macklin, 2007: 356). This normative understanding from the domain of the citizen-alien nexus (see Chapter Three) was exemplified in a National Post letter to the editor, entitled ‘The Khadrs & 'Canadian' values’:

If this young man -- being held at a detention camp in Cuba as an al-Qaeda suspect -- and his family were truly Canadian, they would be acting quite differently. His sister would have been horrified by the death, allegedly at the hands of her brother, of a U.S. army medic instead of stating it was ‘no big deal.’ His mother would have also been ashamed her son trained at the al-Qaeda terrorist camp, instead of stating she would ‘rather see him over there than here in Canada on drugs and having some homosexual relationship.’ Obviously the Khadr family's views of Western civilization show they are anything but ‘Canadian’ (McDonald, 2005, February 12).
Having nominated the Khadr family for expulsion from the collective nation, the Canadian public must therefore be understood as having contributed to the denial of Omar’s capacity to speak from the inside, from a place of belonging, where his rights could be claimed, heard, and recognized. As one Canadian explained: ‘I'll shed no tears for Mr. Khadr. His values are fundamentally at odds with all that Canada stands for. He does not belong here’ (Laffin, 2005, November 10).

6.3.6 Securitization Six: The Securitization of Omar Khadr as Canadian ‘child’ citizen

*Foreign Policy Context: Canada’s withdrawal from the debate.*

As introduced above, the expression ‘the Khadr Effect’ came to refer to the way that ‘the media and the government shied away from speaking on behalf of Omar due to his family’s notorious links to al-Qaida’ (Khan, 2012: 58). While the narrative of an ‘embarrassing’ connection between Omar’s capture and Prime Minister Jean Chrétien’s 1999 advocacy of his ‘terrorist’ father is explored above, the second act of this story relates to the silence that ensued from the Canadian government in response to Omar’s detention, and its impact in and through the media and public.

In the weeks following the public release of information regarding Omar’s capture and detention, the government offered occasional updates by its Foreign Affairs Department, indicating that it was continuing to seek direct consular access (Campbell, 2002, September 16). But what was immediately apparent in these statements was that a significant reframing of Omar Khadr’s status had taken place. Maintaining an oppositional posture toward the U.S., and a concern for Omar’s treatment, Canada’s foreign affairs spokesman Reynald Doiron, expressed frustration and indignation at the Americans’ failure to respond to Canadian requests for diplomatic dialogue and consular access. On September 17 2002, in the *Toronto Star* article, ‘Canada rebuffed on teen suspect’, Doiron details: ‘We sought further clarification from [the U.S. government] concerning [Omar’s] whereabouts and, also, we presented them with our views
concerning the possible transfer of a minor to Guantanamo Bay’ (‘Canada rebuffed on teen suspect’, 2002, September 17). Though Doiron expresses concern over Omar’s age, he does not address Omar as a child soldier. As discussed above, the invocation of child soldier status carries significant social and political implications, thus, the absence of this reference in the government’s first significant statement since September 6 suggests that such claims had been deemed no longer strategically constructive. The Canadian government’s statement enacted a withdrawal of its charge of Omar as child soldier, and subsequently the effect of its designation: first, that Omar as a fifteen year old in a conflict zone had the right - and thus deserved - to be nominated for ‘victim’ status; and second, that the Canadian government had a responsibility to protect him.

Through shifting the narrative frame from Omar as child soldier to that of a Canadian citizen and youth, Doiron expresses Canada’s mounting frustration with the United States’ continued ‘oblique’ response to Canadian inquiries and its failure to provide Omar considerations according to his age: ‘Should a minor be subjected to this?’, ‘If they have specific charges, then let it come out in the open and let him then have unrestricted access to legal counsel’ (‘Canada rebuffed on teen suspect’, 2002, September 17). Further extending this concern beyond an interstate conflict to the international community, Doiron argues that the physical and legal conditions of Omar’s detention are of a humanitarian concern: ‘We think it's a basic thing in terms of human rights as well as legal rights for that young man to know exactly what's coming up next for him’ (Thompson, 2002, September 11). Reasserting a HS position of advocacy and self-righteousness, Doiron points explicitly to the U.S.’s failure to provide Omar access to council and implicitly its breach of International Norms of Legal Aid, the Universal Declaration of Human Rights, and Convention on the Rights of Children. Canada’s invocation of the authority of international standards of human rights works not only to intensify its securitization of Omar as threatened, particularly in light of his age, but to situate the U.S. and its actions as antithetical to Canada’s moral character and its
international standing. But it is the affect of the language (‘Should a minor be subjected to this?’) that stands out in his statement and suggests that the real audience for this protest was not the U.S. but the Canadian people. Though Doiron’s question was obviously rhetorical, it nonetheless framed, legitimized and contributed to a pivotal public debate on what should Omar the Canadian minor accused of terrorism be subject to?

Canada’s call for recognition of Omar’s age and treatment had the potential to gain greater political footing when Omar was moved on October 31 2002 to Guantanamo Bay, a detention camp established to operate outside of U.S. legal jurisdiction. Having been operational for nearly a year, the Canadian public was well aware of protests by human rights groups and legal scholars who described the conditions at Guantanamo as ‘appalling’ and accused the U.S. of ‘using this offshore base leased from Cuba to keep prisoners beyond the reach of the courts - and from any chance of a legal challenge to their continued detention and interrogation’ (Thompson, 2002, November 16). The U.S. designation of ‘unlawful combatant’, Amnesty International Canada argued, left Guantanamo detainees in an ‘unacceptable legal limbo’ which ‘flout[ed] clear international standards that demand consular access to prisoners’ (Alex Neve of Amnesty International as quoted in Thompson, 2002, November 16). As the substance of these claims and criticisms of the Bush administration’s treatment of Guantanamo Bay detainees were internationally deployed and discussed in the media prior to Omar’s transfer, the Canadian government’s response to Omar’s move appeared all the more unexpected when it suddenly withdrew from the public conversation on the case. The impetus for this change, it would later be reported, came from the Foreign Affairs Department’s legal advisor, Colleen Swords, who, following Omar’s transfer, counseled the Canadian government to ‘claw back on the fact that [Omar Khadr] is a minor’ in its statements to the press and refrain from criticizing the Bush administration for holding a minor (Swords as quoted in Shephard, 2008: 117).
Though Canada’s Foreign Affairs Department responded to Omar’s transfer with a formal protest letter to the U.S. government and ‘expressing [Canada’s] disappointment about the transfer of a minor to Guantanamo Bay’ (Thompson, 2002, November 16), this subdued expression of displeasure became one of the last critical words from the Canadian government on Omar’s circumstance for more than a decade to come.

**Domestic Policy context: Young Offenders Act, Youth Criminal Justice Act**

The consequences of UNCRC’s recognition of children’s agency in domestic law and practice has been two sided in Canada: On the one hand, for nations like Canada it has provided children with a voice and an opportunity to participate in legal matters that directly affect their rights and freedoms (Stasiulis, 2002; Hogeveen, 2005), but on the other hand, this recognition of agency in the West is articulated through a neoliberal construction of the ‘responsibilized’ youth-subject (Alvi 2012; Moosa-Mitha, 2005). Through this frame, children, but particularly adolescent children, are understood to be competent subjects, capable of entering the workforce, of being independent consumers, and as having the potential to not only be future but present day entrepreneurs capable of self-sufficiency and contributing to the prosperity of the country (Lesko, 1996a, 1996b, Lister, 2007).

This representation of children as autonomous beings is paradoxically at odds with the UNCRC’s assertion that in pursuit of the ‘best interests of the child’, children are collectively seen as vulnerable and in need of protection. This contradictory construction of young people as self-reliant yet in need of adult protection has significant consequences for those who are deemed to have failed to rise to normative expectations and/or have acted outside of adult determinations of their ‘best interests’ (Moosa-Mitha, 2005).

In 1984, the **Young Offenders Act** (YOA) introduced a new era of youth criminal justice in Canada (Library of Parliament, 2010). Replacing the outdated principles and
arbitrary application of the 1908 Juvenile Delinquents Act (JDA), Canada’s first statute to exclusively address young persons in conflict with the law, the YOA reflected not only a change in policy but a shift in Canada’s social and political ‘tenor’ (Alvi, 2012).

As Shahid Alvi (2012: 11-12) outlines, the social justice movements of the 1960’s and 70’s in North America intensified liberal concerns for legal and social equality and challenged conceptions of immorality, race, class and gender. During this same time, Canada was enjoying a period of economic prosperity which enabled the possibility of those with more economic benefit desiring to help ‘those with less’ and those who had ‘fallen through the cracks’. Additionally, in 1982, the Canadian Charter of Rights and Freedoms was implemented providing a new legal framework for interpreting rights and freedoms, including equal treatment under the law, the right to legal counsel and the right not to be subjected to cruel and unusual punishment (Alvi, 2012: 11): ‘It was within the context of this emerging “liberal” ideology that Canadian policy makers began to question the relevance of the Juvenile Delinquents Act’ (Alvi, 2012: 12)

The JDA’s ‘protective’ approach to intervention saw young delinquents as not-yet-mature beings. These youth were ‘misdirected’ and ‘misguided’ children who should not be treated as criminals, but instead needed ‘aid, encouragement, help and assistance’ (Library of Parliament, 2010: 4). The YOA, on the other hand, sought to balance the protection of welfare rights for young offender with recognition of youth accountability and parental responsibility (Schissel, 2011). The Act also included the raising of the minimum age of a young offender from seven to twelve, and protected their anonymity by banning the publication of their name. As the charge of responsibility was extended to the child offender, so too were legal protections to help the individual in their defense:

A young offender was therefore no longer seen simply as the product of his or her environment, but also as an involved and accountable participant. This change in approach also gave rise to the establishment of fundamental procedural guarantees for young people in conflict with the law, such as the right to a lawyer and the right to appeal a decision (Canada, 2010, May 13).
‘Tailor made’ to conform with the Charter (Schissel, 2011), the YOA nonetheless generated opposition from political parties and conservative law reformers who argued that the Act was overly lenient and privileged the protection of young offenders at the expense of public security.

Fearing that violent young offenders were ‘getting away with murder’, the public demanded that the Act be amended a number of times and were receptive to promises of reform as part of electoral campaigns. As Bernard Schissel (2011) explains, since its inception, the YOA was a primary election issue, with all parties espousing to oppose lenient sentencing for youth. Between 1992 and 1995, both Conservative and Liberal governments enacted reforms that increased the length of sentences and provided for the easy transfer of violent repeat young offenders to the adult judicial system (Schissel, 2011: 56).

Between 1999 and 2003, the public’s demand for ‘get tough’ youth crime policies grew (Schissel, 2011). In response, a bill to replace the Young Offender Act was introduced to Parliament in March 1999 under the Chrétien Liberal government as part of a very public campaign to introduce a tougher form of youth justice legislation. As the content, and format, of the bill’s March 11 press release conveyed (A.N. Doob and C. Cesaroni, 2004: 23) the proposed YCJA was designed to appear hard-hitting, as it claimed to ‘increase the punativeness of the system’.

Fueling the public’s fears of young delinquents, and heightening the demand for stricter punitive measures, politicians built political platforms around the mistrust of young people and ‘soft’ liberal policies that sought to protect them (Schissel, 2011: 56): This was exemplified in the House of Commons when on September 25 2000, M.P. John Williams (Federal Alliance Party) offered:

Somewhere along the way, through our soft and fuzzy and pat them on the head and ask them not to do it again concept, we have lost the notion that we have to teach our kids the difference between right and wrong…We hear in the crime capitals in the United States, for example New York City, that crime is down 10% to 20%, that murders are down 10% to 20%. In the United States seriously inroads into crime are being made. They are tough on crime. Perhaps there is a
correlation there…If we are tough on crime, if we punish crime, then people get the message (M.P. John Williams as quoted in Hogeveen, 2005).

Following the lead of the U.S., the act would come to introduce several changes to facilitate the adult sentencing process (Viljoen et al., 2010). As Doob and Cesaroni, (2004) outline, four ‘tough’ objectives of this new legislation included: allowing ‘an adult sentence for any youth 14 years or more who is convicted of an offence punishable by more than two years in jail, if the Crown applies and the court finds it appropriate in the circumstances’; it permitted the Crown greater discretion in seeking adult sentences; gave ‘the courts more discretion to receive as evidence voluntary statements by youth to police’; and allowed for the publishing of names of young offenders convicted of serious crimes (Doob and Cesaroni, 2004: 23).

Despite the aggressive rhetoric, the YCJA did not represent a significant change in punitive measures. For example, one of the proposed bill’s most ‘hard-line’ changes - the possibility of adult sentencing for violent offenders as young as 14 - was underscored by politicians, academics and the media but itself was not an entirely new provision (Doob and Cesaroni, 2004). Additionally, the proposed bill also provided a number of progressive protections and considerations that the YOJ did not, such as providing provisions that allowed young persons to remain outside of the justice system through the provision of alternatives to incarceration (See Doob and Cesaroni, 2004; and Schissel, 2011). Nonetheless, the abstract public promotion of the bill’s punitive difference presented ‘law and order strategies that [gave] the impression of protecting society from what it perceiv[ed] as increasingly dangerous kids’ (Schissel, 2011: 58; Doob and Cesaroni, 2004: 23).

During the 2000 election, the bill was suspended and not reintroduced again until February 2001. Having faced considerable criticism from academics and those on the far political left for being too tough, the press release for the ‘new’ bill (Bill C-7) downplayed the pre-election disciplinary tone and presented a more child-centred
language sensitive to the rights of children as outlined in the CRC (Doob and Cesaroni, 2004).

The new Act is built on the values Canadians want in their youth justice system. They want a system that prevents crime by addressing the circumstances underlying a young person’s offending behavior, that rehabilitates young people...Canadians know that this is the most effective way to achieve long-term protection of society...the Act reflects a balanced approach to youth justice that aims to instill values such as accountability, responsibility and respect. The Act includes more effective, targeted measures to deal with both serious crimes, violent offences and the vast majority of youth offenses which are less serious (Department of Justice 2001 as quoted in Doob and Cesaroni, 2004: 23)).

It is important to note that the language of ‘addressing circumstances underlying a young person’s behavior’ (including ‘economic or social status or gender’) and the emphasis on ‘rehabilitation’ and ‘respect’ for the child, reflect the human security concerns raised in the United Nation’s Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP), which Canada ratified on July 17, 2000. Therefore, the more progressive provisions of the YCJA bill can be seen as an effort to align Canada’s domestic policy with its foreign policy and international reputation (Moore and Mitchell, 2009).

Despite this ‘kinder and gentler’ version of the bill, the 2001 version of the YCJA did provide a new ‘overall “theory” of sentencing’ that did not allow for much judicial variability in sentencing and required the judge to follow certain directive rules (A.N. Doob and C. Cesaroni, 2004: 23). This included the presumption of adult sentences for certain serious offenses, rather than it being an application of the Crown in circumstances deemed appropriate.

In other words, youth who committed serious violent crimes were immediately given an adult sentence if found guilty. It was thus deemed the responsibility of the defendant to demonstrate to the court why an adult sentence should not be imposed. For critics, this ‘automatic allocation of adult sentences’, based solely on the nature of the offense, was highly problematic as it foreclosed on the possibility of discretionary considerations that take the circumstances underlying a young person’s offending
behavior into account and the possibility of rehabilitation as a central concern (Giles and Jackson, 2003).

The YCJA finally came into effect in 2003. At the time, Canada had one of the highest incarceration rates of juvenile offenders in the world (Bala et al., April, 2009). Yet despite its central premise of holding youth ‘accountable’ for their crimes and ‘ensuring that a young person is subject to meaningful consequences for his or her offence’ ‘in order to promote the long term protection of the public’, societal security (i.e. risk), maturity, and treatment amenability became key factors in the sentencing of youth who had not committed serious crimes under the YCJA. This caused the rates of youth incarceration to drop 36 percent between 2003 and 2008 (Bala et al., April, 2009).

While internationally deemed ‘a very progressive piece of legislation, one of the most progressive’ according to British researchers (Schissel, 2011: 58), the Canadian public remained susceptible to ‘crime panic’ and the political ‘currency’ of youth law reform. By 2006, the Canadian Conservative government argued that the recent successes of the YCJA (the reduced incarceration rates of youth) was a reflection of its ‘failure’ and that youth criminal justice required the implementation of the disciplinary principles of ‘deterrence and denunciation’ to be ‘tough’ (Viljoen et al., 2010: 125). For scholars such as Schissel (2011) the real question around youth criminal justice was not how best to discipline these offenders, but rather, why does the public persist on demanding more jails and longer sentences for young criminal offenders?

We know that adult jail for young people, especially adult jail, can be very dangerous and also can be a training ground for future criminality…It seems so hard for Canadian society, ostensibly one of the most progressive societies in the world, to grasp the idea that tough law and order may create more problems than it solves Schissel (2011: 59).

In reviewing some of the more recent youth justice law reforms in Canada, it is clear that young people accused of a crime, particularly serious violent crimes, find themselves deeply entrenched in a long standing political relationship between the will of

84 The last provision was repealed in a 2008 Supreme Court Decision (Bala et al., April, 2009).
an uninformed and fearful adult population and the politicians and law reformers who first fuel, then claim to respond to the pervasive danger of, ostensibly, young racialized male youths (Schissel, 2011). As Schissel (2011) finds, the history of how Canada treats young offenders is a history of made insecure publics and their demand to be protected from ‘dangerous’ youth.

Stage of Identification and Inaction (A): Omar as no ‘ordinary kid.

Upon hearing the news that a Canadian teenager was captured in Afghanistan following a firelight with U.S. soldiers that left one American dead, the Canadian public was presented with a choice between various competing narratives with which to locate Omar Khadr and the significance of his detention and status. Though the Canadian public was highly reliant on the media for information regarding the case, it is important to remember that they were not passive recipients of news stories but also co-constructors of them. So while Omar was introduced through dichotomous foreign policy frames, such as ‘child soldier’ vs. ‘terrorist teen’, an examination of editorials and letters to the editor shows that many Canadians worked to re-contextualize Omar’s case within concomitant domestic debates over youth criminal justice and adult sentencing. Focusing on the relationship between Omar’s age and treatment, the following illustrates how the public confronted the issue by working through two questions. First, was Omar one of ours, or one of theirs? In other words, was Omar an ‘ordinary kid’ and thus redeemable, or was he an ‘indoctrinated youth’ and thus unreformable? And second, what should dictate Omar’s treatment, his age or the severity of the crime? While these domains of contest are not mutually exclusive, for heuristic purposes they will be address separately here.

The first indication of the public’s response to competing constructions of Omar’s identity came from the first newspaper poll on the issue. On the day following the breaking of the story, September 7 2002, the National Post invited its readership to respond to ‘TODAY’S QUESTION’, ‘Should Omar Khadr, the Canadian youth being held by U.S. forces in Afghanistan for his suspected role in al-Qaeda, be given special
treatment because of his age? (TODAY’S QUESTION’, 2002, September 7). On September 11 2002, a year to the day since the 9/11 terrorist attacks, the poll results were revealed: 86% of respondents said ‘No’ he should not receive special treatment, with only 14% saying he should. Given the National Post’s ideological leanings and the PS frames of its narratives on Omar, the results of the poll were not surprising, nonetheless the degree of disparity between the responses, was. This will be discussed below.

In stark contrast to the National Post, the first letter-to-the-editor on the matter of Omar’s detention across papers was published in The Globe and Mail on September 16 and was crafted in response to earlier claims that ‘Omar Khadr is no ordinary kid’ and thus undeserving of the usual considerations for young combatants. Unlike the National Post’s September 6 editorial on Omar’s ‘enemy combatant’ legal status, entitled, ‘There should be no special status for this kid’ (Vincent, September, 6), Nina Chiarelli wrote a letter entitled ‘Detained child’:

It was with great sadness that I read the American government will not permit Canadian consular access to Omar Khadr… Whether he is guilty of the crimes with which he has been charged, an enemy combatant, or simply a "detained person," the United States should absolutely allow Canadian officials access to him because he is a 15-year-old boy (Chiarelli, 2002, September 16).

Having adamantly established that a fifteen-year-old is ‘a child’ and thus in need of protection regardless of his actions, Chiarelli goes on to convey to the reader a sentiment of urgency, which Lesko (2013) suggests typically accompanies writing on youth, along with ‘a moral mightiness (or uprightness) of the solution’ (Lesko, 2013: 25).

Canada needs to wake up and start protecting its own interests and citizens. Now. This child needs access to our government and should not be forced to deal with U.S. military questioning or charges on his own. Imagine how difficult that might seem to other Grade 10 students you know. The United States has now completely crossed a terrible line in its war on terrorism. Are we just going to stand by and watch? (Chiarelli, 2002, September 16).

‘Waking’ the reader from the confines of security discourses on terrorism, soldiers, war and enemies than hide within, Omar is momentarily delivered to a normalized frame of a Grade 10 student - not unlike other Canadian 15 year-olds we know, i.e. our own
children, grandchildren, siblings, and those from our communities - before being discursively returned again to the ‘war on terrorism’. Another article from *The Globe and Mail* on November 5 performs a similar act of discursively bringing Omar home: ‘If Omar Khadr were back home in Ontario, he would have just finished writing his Grade 10 literacy exam. Instead, the 16-year-old is stuck somewhere in the maw of the U.S. fight against al-Qaeda-sponsored terrorism’ (‘The case of Omar Khadr’, 2002, November 5). Having recognized Omar’s vulnerability as a Grade 10 student, like 15-year-olds in Canada, each author incites their audience, i.e. the reader and ultimately the government, to take action in Omar’s defence: ‘Remember, Omar Khadr is a teenager’ (‘The case of Omar Khadr’, 2002, November 5).

Other attempts to advocate for Omar focused on his being remembered as a ‘good kid’. This came in the form of testimonials, such as the one offered by Omar's Canadian Grade 1 Islamic studies teacher: ‘Omar was very smart, very eager and very polite…Unlike the other children, he had already started reading the Koran in Arabic when he was seven’ (Vincent, 2002, December 28); and the family’s halal butcher: ‘Omar was very mature for his age. I remember that he had brought black honey from Pakistan to trade in the Muslim community while he was in Toronto. I was amazed that he had learned so well how to trade and survive at such a young age’ (Vincent, 2002, December 28). While drawing attention to commendable traits for a young child, Omar’s exceptionalness (i.e. ‘unlike the other children’, ‘mature’, able to ‘trade and survive at such a young age), in the context of a 2002 post-9/11 Canada, was nevertheless read through racialized fears of *National Post* readers as indoctrination and the making of a young radicalized Muslim. This assumption was exemplified in the *Nation Post* article published in late 2002.

On December 28, *National Post* columnist, Isabel Vincent, constructed a ‘profile’ of Omar Khadr in an article entitled ‘The good son’ (Vincent, 2002, December 28). In a cobbled and strategic account of Omar’s history and present circumstance, Vincent
worked to demonstrate how normally praiseworthy attributes of a youthful Omar - when seen in the context of his Muslim upbringing in Afghanistan - provided justification for symbolically ousting him from his Canadian citizenship, and denying him the entitlements of his birthright.

Beginning with a sympathetic staging of Omar and his family, Vincent recounts meeting Omar’s sister and her insistence on reading a letter from her father in order to demonstrate how ‘Omar was always there for us’ (Vincent, 2002, December 28). Writing to his daughter, Ahmed Khadr affectionately joked: ‘Omar is our mother and our father, our sister and our brother. He does everything for us. He cooks our meals and does our laundry. Sometimes, I ask your mother, “Are you sure he's ours? He's too good to be ours”’ (Vincent, 2002, December 28). The letter, however, is presented not as support for Zaynab’s claim that Omar was a conscientious youth, but as evidence of the ‘kind of devotion and obedience that turns young Islamic radicals into committed jihad warriors’ (Vincent, 2002, December 28). Having re-purposed the letter’s content, Vincent shifts the frame of interpretation, effectively emptying it of its descriptive and emotive substance.

Such racialized narratives of Omar’s backwardness (where good is bad, and bad is good), also took the form of de-essentializing the normative qualities of his teenage interests. Though acknowledging that ‘Omar’s loves were those of a typical teenage North American’ (‘The KitKat chocolate bar was one of Omar's favourites; He followed the adventures of the Belgian cartoon hero Tintin; He loved Hollywood star Bruce Willis in the Die Hard movies; Like children worldwide, he played Nintendo’) (‘His loves were those of a typical teenage’, 2002, December 28), Vincent nonetheless reminds the reader, through consultation with psychiatrist, Leon Sloman, that ‘There is no contradiction in liking Nintendo and hating the society that produced it’ (Sloman in Vincent, 2002, September, 6): ‘[Just] as the hijackers who planned and executed the Sept. 11 strikes have shown, even radical fundamentalists can love two disparate things at the same time’
Having equated Omar’s qualities with those of 9/11 suicide bombers, Vincent points to emblematic qualities of Omar’s youth, which again shift the narrative frame from Omar as typical teenager (i.e. wanting to please, has the usual ‘loves’) to Omar as typical jihadist (i.e. ‘indoctrinated’, has the usual ‘hates’, ‘loyal’). Though typically offered as polar opposites, good vs. bad, Omar is presented as the bridge to their irreconcilability, constructing Omar as both competent and threatening. As an ideological message, one can interpret the case of Omar as: That’s just how insidious ‘they’ are. By situating Omar as the enemy within, and by designating this status as symptomatic of his social and political belonging to the Khadr family, Omar was denied the discursive space to claim ‘ordinary kid’ status despite demonstrating normal teenage interests and praiseworthy traits.

**Stage of Identification and Inaction (B): Omar as deserving of ‘harsh treatment’**.

While claims to Omar Khadr’s child soldier status were not widely picked-up or deployed in the press or public over the early years of Omar’s detention, the logic inherent to this designation, i.e. that children’s agency does not foreclose on their need for protection, and the principle of human security, i.e. that they are citizens of agency, remained operational. Yet such discourses were infrequently deployed between 2002 and 2005, and were politically less coherent to many Canadians than the emerging PS claims that situated Omar as a risk, if not a threat. Though the above discussion explains this as a political symptom of global post-9/11 public safety frames and policies, for Canadians, the discourse of youth criminal justice reform, which had been playing out in the media and public since 1999, provided a second discursive frame of reference within which to locate the enigmatic ‘Omar Khadr’. More specifically, the debate over ‘automatic

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85 ‘They can seek religious certainty and yearn for earthly pleasures inherent in the culture they are intent on destroying. Days before they flew their planes into the World Trade Center, some of the hijackers were seen at roadside bars and strip clubs, drinking American beer and eating junk food.’ (Vincent, September, 6).
allocation of adult sentences’ for youth found guilty of serious violent crimes proved to be particularly relevant, as the proposed YCJA bill (which came into effect in 2003) provided for children as young as fourteen to receive automatic adult sentences for serious violent offenses. For many Canadians, the question of whether Omar should be treated (i.e. detained, tried and punished) like an adult or youth was inextricably tied to the severity of the crime he was alleged to have committed and the need for him to face ‘meaningful consequences’ for his actions.

The July 26 2002 firefight in which Omar was injured and captured was presented across newspapers as a significant event: In addition to the death of 1st Class Sgt. Christopher Speer who Omar allegedly killed with a grenade, four other American soldier were injured, two allied members of the Afghan military were fatally shot, and four ‘insurgents’ were killed. For many, allegations that Omar was responsible for the death of the U.S. soldier alone necessitated that he be treated as an adult despite being 15 years of age at the time. The strength of this punitive argument discursively hinged on an emphasis on the severity of the crime and was constructed by offering narratives of Omar’s role in the firefight and characterizations of him as a violent and ‘highly trained killer’ (Sgt. Layne Morris as quoted in Vincent, 2002, December 28). But the formal accounts of the firefight were inconsistent and thus the media and commentators had a choice in terms of deciding which narratives to privilege in their stories. Typically accounts that constructed Omar as ‘threatening’ (i.e. as violent, purposeful, and warrior-like) and acting ‘un-childlike’ were accompanied by calls for him to be treated without consideration of age; while those that advocated for Omar as threatened and in need of protection represented him as child-like (i.e. fearful boy acting in self-defence). The following provides a brief example of each.

In an October 30 2002 Globe and Mail article entitled, ‘Canadian teen may be U.S. source’, authors Mark McKinnon and Colin Freeze construct a sympathetic image of a ‘Canadian teenager’ being detained and interrogated in Bagram, ‘badly wounded during a
fierce battle’, it is suspected that he will be, or has been, transferred to the notorious detention centre, Guantanamo Bay. The article’s account of how he came to be captured unfolded as follows:

The young Canadian is believed to have been the sole survivor of a group of fighters who opposed U.S. soldiers in a July raid on an al-Qaeda safe house in Khost, in eastern Afghanistan. According to U.S. accounts, the then-15-year-old received two gunshot wounds to the chest after launching a grenade that killed U.S. medic Sergeant Christopher Speer, 28.

According to sources, Mr. Khadr threw a grenade over his shoulder as he cowered in a corner of the safe house. The U.S. forces apparently thought no one had survived the air strike they had called against the building. The Americans returned fire, hitting Mr. Khadr twice in the chest as he turned, the sources said.

Seriously wounded, the teenager was taken into custody and moved to Bagram Air Base, north of Kabul, for treatment, they said.

...“He was begging us to kill him,” said the soldier, who was among the special-forces troops who took part in the Khost raid (McKinnon and Freeze, 2002, October 30).

Portraying Omar as a defenseless youth, vulnerable (‘sole survivor’) and a frightened (‘cowering’) reluctant participant (‘over his shoulder’) of a firefight that left him ‘seriously wounded’, the authors pointed to Omar’s ongoing insecurity and lack of protections: ‘Ottawa has not succeeded in gaining consular access to the youth’ (McKinnon and Freeze, 2002, October 30). While it was unknown whether or not he would join the ‘more than 600 captives [at Guantanamo] being prodded for information about al-Qaeda’, what was known was that the isolated 15-year-old had already been talking. As one U.S. military officer was quoted as saying, ‘I'm glad we didn't [kill him], though. Since then he's been squealing like a pig’ (McKinnon and Freeze, 2002, October 30). But the question remained, by what means or coercion was Omar being interrogated?

When the shooting stopped, Sgt. Speer and four other Special Forces soldiers were ordered to clear the compound -- collect arms and intelligence. When Sgt. Speer and his fellow soldiers entered the bombed-out compound, they weren’t expecting to find anyone alive and were caught off guard when Omar, who was wounded from the bombing, and hiding between two mud-brick buildings, threw a grenade at the passing soldiers. "We were amazed that anyone could still be alive in there," said Captain Mike Silver, who walked into the bombed-out compound behind Sgt. Speer. "Within seconds, we had him [Omar] pinpointed and we opened fire." Omar, who had the beginnings of a peach-fuzz beard on his chin, was covered in blood and dirt and lying on the ground between two fallen pillars. His four comrades had died when U.S. forces bombed the compound earlier in the afternoon. He had been lying in wait, clutching a pistol and a grenade. He was surrounded by a cache of arms that included grenades, ammunition and automatic weapons. Within seconds of throwing the grenade at Sgt. Speer, Omar took two shots in the chest and dropped his pistol. When Capt. Silver approached him, Omar spoke in what struck the assembled American soldiers as very good English, especially for someone they assumed to be a jihad warrior from somewhere in the Middle East. "Shoot me," Omar called out several times. "Please, just shoot me." (Vincent, 2002, December 28).

Constructing Omar in the image of a ‘jihadist Rambo’ (‘Canadian implicated in Afghan firefight’, 2002, July 10), this racialized account of a savage warrior describes Omar as one who may look like a child (‘peach-fuzz’) but whose actions are categorically un-childlike. Demonstrating calculated and predatory behavior, this description of Omar’s actions sets the stage for the article’s closing caricature of Omar as offered by Sgt. Layne Morris who lost an eye in the battle when a grenade (not one thrown by Omar) sent ‘shrapnel tearing through his right eye’. Seemingly unreflective of his own military training and role as a U.S. soldier, Morris insists:

There is no doubt in my mind that the kid was training to kill Americans and members of the Afghan government," Sgt. Morris said. "He had so many opportunities to give himself up, but he lay there in the rubble, waiting to kill an American. That's the last thing he wanted to do on this Earth (Vincent, 2002, December 28).

If the construction of Omar as ‘a Khadr’ worked to designate him as a non-Canadian, then the question: how should Omar’s age be considered in his treatment? discursively returned Omar back to his country of his birth and the assumptions of childhood held within. This meant that the relationship between age and agency became central to establishing the degree to which Omar was responsible for his actions and subsequently by what standard he should be held accountable.
Reflecting the HS principles as outlined in the OHCTC, some commentators did not treat Omar’s participation in a firefight as incommensurate with his need for protection. Drawing attention to both Omar’s agency along side the insinuation of his insecurity, Toronto Star columnist, Thomas Walkom (2002), offers:

Khadr apparently chose to fight for the Taliban government of Afghanistan... I say "apparently" because it's difficult to ask for details from someone who is being held incommunicado in an unspecified location (Walkom, 2002, October 29).

Offering a biological defense for Omar’s poor decision, Walkom utilizes humor to point to recognizable tropes of the diminished capacity of ‘teenagers’:

I think Khadr was nuts to be in Afghanistan and even more nuts to have volunteered to fight for the Taliban. But who can tell a teenager anything?... By the time that U.S. military patrol entered the village of Ab Khail in the Afghan hills last summer, he must have known he was on the losing side. But teenagers are notoriously incautious… So Omar Khadr, it seems, was doing something he either believed in or thought interesting. Foolish Omar (Walkom, 2002, October 29).

The problem, Walkom argues, was that Omar was fighting ‘on the wrong side’ (Walkom, 2002, October 29).

Others however saw such explanations of diminished capacity in the teenage years as naïve, as Margaret Wente facetiously demonstrated in a 2004 piece, ‘Oh those Khadrs, they've taken chutzpah to new heights’ (Wente, 2004, April 15):

All kids get into scrapes now and then, and the Khadr kids are no different. One kid is in Gitmo. One got in trouble when he was suspected of blowing up some Canadians in Afghanistan, but fortunately the bomber's severed head belonged to someone else. Mom's real worry is the second-oldest son, Abdurahman. He's the black sheep in the family. He was kicked out of al- Qaeda training camp. He's not interested in jihad ’ (Wente, 2004, April 15).

Other securitizing discourses adopted in defense of Omar related to the degree of responsibility he should carry given his upbringing. Of the opinions expressed in the examined articles, many saw Omar’s participation in the war in Afghanistan to be wholly, or in part, the responsibility of his parents:

The parents chose to take the children [to Afghanistan], they didn't have a say in it (Nicki Makropoulos as quoted in Freeze, 2004, April 10).
They had to do what they had to do. It's a brainwashing thing...Like Hitler, everyone gets the kids when they're really young (Helen Banks as quoted in Freeze, 2004, April 10).

If I am willing to hold anyone responsible for Khadr choice to allegedly lob a grenade at U.S. soldiers, other than Khadr himself, it is his family, and Al Qaeda, a group for whom several Khadrs appear to have a soft spot.....Who knows what Khadr may have become with less radical parents? Tragically, though, he got what he got (Sgt. Layn Morris as quoted in Adamson, 2005, November, 13).

This claim was most effectively articulated by an unlikely source. In 2004, Christopher Speer’s widow, Tabitha Speer, and Sgt. Layne Morris, filed a lawsuit against the estate of Ahmed Khadr, arguing that Omar’s father ‘had a duty as a parent to exercise reasonable care to control’ and he ‘breached that duty, and in fact coerced, aided, instructed and promoted his minor child, to commit violent, dangerous and criminal acts of international terrorism’ (Friscolanti, 2004, August 6). Speer, but especially Morris, publically campaigned for Omar to be seen as a responsiblized youth and ‘jihad warrior’, but the lawsuit claimed that Omar’s father was responsible for Omar’s actions. As securitizing moves are above all strategic, the logic of the lawsuit speaks less to the plantiff’s comportment towards Omar, but rather reflects the power of assumptions about the innocence of youth in cases such as these. Interestingly, over these early years, advocates for Omar did not pick up the language of this well-argued claim to deploy in his defence.

Though some attempts to diminish the perception of Omar as a responsible youth and thus in need of protections according to his age were present, as shown above, such framings were not pervasive in the media in these early years of his detention. Even in Canada’s parliament and senate houses, Omar’s case was briefly addressed only once on October 7 2002, and then anecdotally only twice more, over the course of nearly five years of detention (2002 to 2007). Giving rise to the expression, ‘the Khadr Effect’, not only was the government and the media unwilling to publically advocate for Omar or the ‘Khadr clan’ but by all appearances, the public too was uninterested in sponsoring their causes, and necessarily were distracted by other legitimate political matters such as the Maher Arar scandal, the Liberal sponsorship scandal, the invasion of Iraq, SARS, the
new Liberal Prime Minister, Paul Martin and a upcoming 2005 election. Each of these issues, like the case of Omar Khadr, invoked and demanded that readers respond and reflect on narratives of being Canadian and the security stakes of such valuations.

For many readers, Omar’s participation remained a matter of choice and agency, and thus the consequences of his actions were deemed his responsibility to bear:

Omar Khadr, Canadian, decides to take terrorist training along with his father, also a Canadian, in Afghanistan. He then decides to try and kill as many American troops as he can in a firefight and uses a grenade to achieve that aim….Khadr gave up all his Canadian rights when he chose (at whatever age) to be a militant fighter in another country and throw grenades at other human beings from other countries (Ward, 2005, November 10).

Omar Khadr's future is based on his past. How he came to be in that compound on that day will make for a good documentary. However, at the age of 16, one is old enough to make choices. We hold our citizens accountable at that age. His probable imprisonment in Guantanamo, Cuba, is appropriate (Stinson, 2002, September 23).

Within this frame of judgment, a ‘child’ defence for Omar would be conditional on his having maintained the innocence of youth by deciding not to be in Afghanistan and not participating in the battle. As one letter to the editor, entitled ‘Not a child’, explains: ‘When teenagers such as Omar al-Khadr have been trained to kill and they then become killers, they have lost their innocence and are no longer "children”’ (Ewonus, 2004, November 4).

The insistence that Omar’s innocence or guilt is based on choice of participation is antithetical to the logic inherent to child solider protections where a childrens’ rights to protection are not conditional on their non-participation, (Moosa-Mitha, 2005). However, it is consistent with proposed practices outlined in the YCJA. For those who argued that Omar should be treated as an adult, such considerations of age as outlined in the OP amounted to exceptional or ‘special’ treatment: ‘Yes, he will be treated humanely. But this is someone who executed an American soldier. I don't think someone like that gets

86 Though undoubtedly relevant, these topics were not predominantly featured in the articles relating to Omar Khadr between 2002 and 2005, thus I chose to deal with some particular issues (i.e. Maher Arar, the invasion of Iraq) in a limited way while others I exclude due to the necessary limits of this project.
much sympathy because of their age’ (Thompson, 2002, November 16). A sentiment facetiously shared in a *Globe and Mail* letter to the editor: ‘Poor wee Omar; such a sad case’ (McGregor, 2005, August 11).

Of the most vocal advocates for this position was *National Post* columnist, Isabel Vincent, and Sgt. 1st-class Layne Morris, the U.S. soldier who lost his eye in the same battle that Omar was accused of throwing a grenade. Responding to assertions that Omar’s age be taken into consideration (in relation to his treatment, detention and prosecution) they ‘quipped’ (Shephard, 2006, January 11) respectively: ‘[That’s] all well and good in any normal situation, but we are not dealing with a wayward teenager arrested for smoking marijuana in Colombia. We are dealing with an alleged terrorist, an al-Qaeda combatant who was caught after a deadly gunbattle with U.S. and Afghan troops’ (Vincent, September, 6); ‘[H]e is not one of the Degrassi kids….That wasn't a panicky teenager we encountered that day. That was a trained Al Qaeda (fighter) who wanted to make his last act on Earth the killing of an American’ (Sgt. Layn Morris as quoted in Adamson, 2005, November, 13); and ‘These guys went to [al Qaida training] camp and you know they weren't making s'mores or learning how to tie knots. They were learning how to make bombs and kill Americans’ (Sgt. Layn Morris as quoted in Sheldon, 2006, January 11).

Thus, just as Omar’s social and political situatedness as ‘a Khadr’ denied him the discursive space to claim ‘ordinary kid’ status, likewise, the nature of Omar’s alleged transgressions were seen as contravening normal youth delinquency and associated claims relating to vulnerability, diminished capacity and dependence.

*Stage of Immobilization: the successful desecuritization of Omar*

While the above discussion explains how some attempts to identify Omar as threatened, vulnerable, and in need of assistance failed not only to garner enough moral support for him to be deemed worthy of defense, but it also demonstrates how these securitizing moves worked to securitize Omar in the negative, effectively deeming his
citizenship as contemptible and nominating him for expulsion from the national belonging.

But these were not the only issues preventing potential advocates for Omar from mobilizing. A key variable in the success of a securitization, arguably the primary impetus for a securitizing move to advance from the stage of identification to the stage of mobilization, is that the appropriate audience must be convinced of the immediacy of the threat at hand (the existential threat) and subsequently the need for urgent intervention. In the case of Omar Khadr, however, this move from rhetorical to active securitization - the building of a critical mobilization of concern that passes from recognition to action - was regularly interrupted by events and/or reports that worked to desecuritize his status. These issues predominately came in the form of suggestive or misleading article titles; reports that Omar was on the verge of being returned to Canada, and/or reports that, by some intervention, the legal injustices he faced would soon be attended to. The speculative forecasting of Omar’s imminent release came in three forms: reports of juvenile combatants being released from Guantanamo Bay; reports of Omar’s brother’s release and reports of other allied Western countries having their prisoners released. Though knowledge of Omar’s transfer to Guantanamo Bay on October 31 2002 was public knowledge, the U.S. refused to officially acknowledge his capture and detention. But on April 22 2003, the U.S. was publically called to task for holding young detainees. In Canada, the Calgary Herald was one of the first to address this disclosure in an April 24 article, ‘U.S. pressured to release teen detainees: Youths in custody at Guantanamo’ (‘U.S. pressured to release teen detainees’, April 24, 2003).

The article reported that three youths, aged 16 and under, were being held at Guantanamo Bay. Based on previous reports, Canadians understood Omar to be one of these youths, but it was not certain whether he was among those being interrogated. When asked, Foreign Affairs spokesman Reynald Doiron replied categorically, that he ‘would not comment on this, on whether it is taking place or not’ (‘U.S. pressured to
release teen detainees’, April 24, 2003). As the government was publically advocating for the need for quiet diplomacy in relation to the Maher Arar case, and one presumed Omar Khadr’s case as well, Doiron’s response was consistent and expected. As such disclosures and claims of pressure on the U.S. arrived within the context of imagined interstate dialogue and negotiations, Canada’s refrain appeared symptomatic of Omar’s case progressing, leading the public to deduce that, as a security matter, Omar was squarely situated within diplomatic affairs, not public ones.

But the media did not lay the issue of Omar’s release to rest. On May 6 2003, The Globe and Mail reported that the U.S. was planning on releasing 22 prisoners from Guantanamo Bay, ‘several of whom are said to be teenagers’ (Freeze, 2003, May 06). In the article, ‘U.S. to release some prisoners held in Cuba’, Canadians learned that ‘Teenagers and two Canadians were among the 660 detainees at Guantanamo’ and that juveniles would be among those being released (Freeze, 2003, May 06). While it could not be confirmed that Omar (or his older brother) would be among the detainees released, the article appeared to anticipate this possibility by ending the article with an oblique and seemingly out of context reference to its connection to U.S./Canada relations and Canada’s commitment to the U.S.’s war on terror:

Last month, U.S. Secretary of State Colin Powell wrote a strongly worded letter to Mr. Rumsfeld, saying eight allied countries complained that the failure to handle the prisoners correctly was undermining efforts to win co-operation in the so-called war on terror (Freeze, 2003, May 06). 87

As discussed above, the post-9/11 Liberal government increasingly showed discursive signs of a slipping HS identity as it was forced to concede to PS interests and demands. But in early 2003, the Chrétien government made an important decision that not only appeared to redeem Chrétien in the eyes of many proponents of a HS agenda, but became a ‘defining moment’ of his prime ministership (Freeman, 2013, March 19) for those both

87 This comment is particularly revealing in that it reminds the reader that both HS and PS are not complete and that the voice of government and policy positions are not univocal positions but are rather are the product of contestation and debate not only between political parties but from within and often happening the scenes.
for and against his decision. On March 17 2003, Prime Minister Jean Chrétien announced in the House of Commons that Canada would not become part of the ‘coalition of the willing’ and contribute to the U.S. invasion of Iraq, claiming that:

We believe that Iraq must fully abide by the resolution of the United Nations Security Council… Over the last few weeks the Security Council has been unable to agree on a new resolution authorizing military action. Canada worked very hard to find a compromise to bridge the gap in the Security Council. Unfortunately, we were not successful. If military action proceeds without a new resolution of the [United Nations] Security Council, Canada will not participate (Prime Minister Jean Chrétien as quoted in Knight, 2005: 108).

Canadians were widely understood to support the government’s decision. A 2003 poll found that 63.9 percent of respondents agreed or strongly agreed to the question ‘Would you approve or disapprove of Canada's participation in this American military intervention in Iraq?’ (Canadian Opinion Research Archive, Canadian Foreign Policy and Canada-US Relations - Post-9/11); likewise a Toronto Star poll found as many as 7 out of 10 responding Canadians supported Chrétien’s decision (Freem, 2013, March 19). For the political left, the Liberal government’s response was perceived as indicative of a ‘long standing commitment’ to multilateral initiatives, international rule of law, principled decision-making, and Canada’s ideological divergence from hegemonic U.S. policy demands. This was exemplified by Chrétien’s situating of Canada’s difference from the U.S. by invoking Canada’s image as a mediator and soft power working within the Security Council to bring ‘compromise’ and ‘bridge’ diverging resolutions.88

88 Domestically, the decision not to participate was also supported by the NDP leader Jack Layton who too followed a HS script, pointing to Canada as peacemaker, indirectly casting Canada’s participation in Afghanistan as also consistent with this image: ‘We say to George Bush, as Canadians: Read our Canadian lips. We say peace. Not war’. Offering full support to the Chrétien government, Bloc leader Gilles Duceppe, follows: ‘This war is not only pointless, it also represents a serious mistake. On this issue, we are solidly behind the government’ (Freeman, S. (2013, March 19).

Not unexpectedly, proponents of a PS agenda did not share this support. As Joe Clark, the head of the Progressive Conservative Party, criticized ‘The prime minister is wrong to say that he alone is defending the United Nations. I think in fact he is stepping aside from an action that is legitimate under the United Nations’ (Freeman, S. (2013, March 19). Arguing that participation is not antithetical to the United Nations, Clark upholds Canada’s commitment to the U.N. suggesting that Chrétien is using the U.N. as excuse for not participating.

While a poll by the Toronto Star found that 7 out of 10 Canadians supported Chrétien’s decision, a Compas poll of Canadian business leaders reported that 57 per cent said not participating in the Iraq war would harm Canadian companies doing business in the United States (Freeman, S. (2013, March 19).
While it was popularly reported that Canadians’ lack of support for the pending war was critical in directing Chrétien’s resolution, *The Globe and Mail* article above implied that, on the contrary, it may have been the U.S.’s failure to handle Canada’s citizens and young detainee ‘correctly’ that contributed to Canada’s lack of ‘co-operation’ in supporting the war. Thus, as America’s closest ally, a Canadian reader might glean from this (correctly or not) that Omar’s release was likely, given recent tensions over the U.S. treatment of Canadian citizens as well as Canada’s significant investment in Afghanistan. But this optimistic frame was not conveyed by the *Toronto Star*, who recognized the possibility of Omar’s release but noted that: ‘Foreign Affairs said there is no indication that either of the Khadrs are being released’ (‘Roundup’, 2003, May 6).

On July 19, the possibility of Omar’s release reappeared again as the *Globe and Mail* reported that the ‘U.S. releases two Britons from Cuban military base’ (Freeze, 2003, July 19). At this time, Guantanamo Bay housed more than 600 prisoners from more than 42 countries, including several detainees from countries ‘friendly to the United States’, e.g. England, France, Australia, and Canada among them (Freeze, 2003, May 06). While the article headline may have lead some to believe that the release of two U.K. citizens signaled the imminent return of Canada’s citizens too, the article’s content was less encouraging, reminding the reader than unlike England and Australia, Canada did not send troops to Iraq. As Faisal Joseph, a lawyer with the Canadian Islamic Congress, put it: ‘My fear is that, because we didn't participate in the unjust war in Iraq, I'm not so sure*

*Globe and Mail* columnist John Ibbitson (2003, March 26) wrote: ‘We are going to feel the consequences, in everything from the possible cancellation of a state visit to new restrictions at the Canada-U.S. border. We're in trouble.’ The decision was not reportedly well received in Washington. As U.S. ambassador Paul Cellucci put it, the U.S.’s ‘displeasure’ would undoubtedly be met with ‘short-term strains’. Opposition Leader, Stephen Harper of the Canadian Alliance would later say of the March 20th invasion: We should have been there shoulder to shoulder with our allies. Our concern is the instability of our government as an ally. We are playing again with national and global security matters (Canadian Press Newswire, 2003, April 11) - On the Iraq war Harper’s P.S. stance focused on Canada’s responsibility to provide military support by standing ‘shoulder to shoulder’ with our allies, suggesting that the Liberal government’s decision to do otherwise was illustrative of its being unstable, and that this instability created national and global insecurity by undermining Canada/U.S. alliances.
that the American government will be quite as agreeable to the Canadians as they have been to the British.’

As it turned out, both papers were right. On November 25 2003, the news came: ‘U.S. releases Canadian detained in Guantanamo’ (Freeze and Abbate, 2003, November 25). However, the Canadian released was not Omar, but his 21-year-old brother, Abdul Rahman Khadr. But once again, not all expectations for Omar’s return were dashed. Less than a week later, on December 1, The Globe and Mail’s first page article titled, ‘Cuban detainee release to include teenager’ (Appleby, 2003, December 01) informed its readership that an anonymous U.S. military official had told the paper that ‘[s]cores of al-Qaeda and Taliban suspects being held at… Guantanamo Bay… are to be transferred out of U.S. custody over the next two months’. Of the more than ‘100 men and boys slated to leave the high-security camp is a teenager accused of shooting to death a U.S. Special Forces soldier in Afghanistan. The youth pretended to be dead, then opened fire on his captors, the official said.’ Though at once suggesting that the youth in question might be Omar, the reader was then reminded that the account of the unnamed teenager was inconsistent with Omar’s story, i.e. Omar was not alleged to have ‘opened fire’ but was accused on throwing a grenade. Only then is the reader forced to return to the article’s title, recognizing that it should be read as ‘release to include [a] teenager’. Adding to the confusion, a December 2 Globe and Mail editorial, ‘Welcome Back, Khadr’, addressed Omar’s brother, but also informed the reader that even members of the unwanted Khadr family were being released and returned to Canada (Wendt, 2003, December 2). This message was made explicit the next day in the Toronto Star article, ‘Home countries to get say on freeing detainees’ (Harper, 2003, December 3) which suggested that:

The Pentagon says from now on it will release Guantanamo Bay prisoners in consultation with their home governments. That raises the expectation that 17-year-old Omar Khadr, brother of Abdurahman Khadr, would be given the opportunity to return directly to Canada - although the officials would not discuss specific cases (Wendt, 2003, December 2).
As illustrated by the discussion above, while the newspaper headlines often presented a narrative of Omar’s imminent release, the content of the articles presented competing and confusing references to Omar’s brother and other young Guantanamo Bay detainees, as well as more realistic analyses on the likelihood of his return. Those articles with the most suggestive titles (‘U.S. releases Canadian detained in Guantanamo citizenship, consular rights’; ‘Cuban detainee release to include teenager’) appeared on the front page of their respective papers, while others appeared further back, suggesting that only the most careful of readers would be able to discriminate between the two Khadr brothers (one that was released and one that was not) and the difference between claims of possible release and probable release. Taken together (i.e. titles suggesting Omar’s imminent release; confusion as to whether he would be among released prisoners; placement of articles) these 2003 reports pertaining to Omar’s release suggested to the Canadian public that if Omar was indeed in need of intervention, that processes were – at minimum - already underway, and that like the U.S.’s other allied countries, Canada would soon have her citizen returned.

6.3.7 Securitization Seven: The Law and the Securitization of Omar as ‘Canadian Citizen’

The Khadrs, allegedly accused of terrorism acts, test the boundaries of various security provisions…What better cases are there than the Khadrs?

- Dennis Edney, Omar Khadr’s Canadian lawyer

**Foreign Policy Context: Omar’s interrogations by Canadian Intelligence in Guantanamo Bay**

In January 2003, Canada’s security agencies, like those from the United Kingdom, France and Australia, were informed that they would be permitted access to their citizens detained in Guantanamo (Freeze, 2003, May 06). In February, two
Canadian intelligence representatives and one female CIA operative interviewed Omar in Guantanamo (Shephard, 2010, January 30). The two men from Canada were Jim Gould, Canada’s deputy director of the International Security Branch, a division of the Department of Foreign Affairs and ‘Greg’, a senior and valued agent and head of the ‘Islamic Extremist’ desk in the Canadian Security Intelligence Service’s (CSIS) downtown Toronto office. The CIA agent was there to observe and ensure that the interview was limited to discussions of intelligence - and not welfare - and to enforce the interview condition that Gould, though present, was not allowed to speak (Shephard, 2008).

Over the seven-month span of his detainment, Omar, now 16-years-of-age, had not been given access to a lawyer (and would not, until November 2004) nor had he seen a Canadian representative. By the time Canadian officials’ arrived at Guantanamo, Omar had already been questioned by U.S. military officials more than 50 times, sometimes for up to eight hours a day (Shephard, 2010, January 30). Over the next four days, February 23 to 26, and for a total of seven hours, Omar would finally meet with ‘the Canadians’, a Canadian intelligence contingent.

On the first day of their meeting, Omar was taken to a small interrogation room in a building in Camp Echo and chained to the floor by his ankle. There he waited for hours, which was a standard protocol prior to an interrogation. When the three intelligence officials arrived, they presented Omar with a Mc Donald’s Big Mac and a coke, which he ate and reportedly enjoyed (Shephard, 2010, January 30). The officers told Omar that they were from Canada and his response conveyed his excitement and relief:

‘So I guess we’re the first Canadians you've seen in awhile,’ the agent said to Omar Khadr; ‘Canadians?’

‘Yeah.’

‘Finally!’ the handcuffed teenager exclaimed, laughing (Shephard, 2010, January 30).
Omar added, ‘We’re requesting the Canadian government for a long time’. Greg replied, ‘Yeah, well it's not as easy as it can be, you know that.’ The questioning began with questions about his grandparents and his parents. His interviewers also asked if his brother, Abdurahman, was in Guantanamo too.\textsuperscript{89} He said he did not know. Over the course of two hours, Omar was asked questions about his family’s time at the Bin Laden compound (when he was 10), his sister’s husbands, the training camps his brothers Abdullah and Abdurahman had attended, and how his father had left him to be a translator for Abu laith al Libi. Omar answered the questions without hesitation and his demeanor was reported to be ‘relaxed and open’ (Shephard, 2010, January 30). Omar was also asked to identify individuals shown to him from a stack of photographs, most of whom had some association with his father. When the interview was over, Greg requested that Omar be kept in isolation until their second interview the following day. This request was not heeded.

On the second day, Omar was less cooperative and appeared ‘angry’. Greg offered Omar candy but he refused it and said he would not be bribed Omar called Greg ‘evil’ and insisted that he would not say anything unless they took him back to Canada (Gould as quoted in Shephard, 2008: 123). Omar complained that he had lied to the Americans during previous interrogations and was afraid of being tortured by them again.\textsuperscript{90} Omar stood up and pulled off his shirt to show his wounds from the firefight. He

\begin{verbatim}
CSIS: You look tired. Okay, so I brought you a burger. It’s very hot though. What’s happening?
OMAR: [indiscernible]
CSIS: Pardon me?
OMAR: … something that’s very important, but I’m afraid to say it.
CSIS: Okay, take your time and could you do me a favour today while we’re talking? Just make sure you talk nice and loud, so I can keep that air conditioning on so we’re cool.
OMAR: There’s something that I’m scared to say.
DFAIT: You don’t have to be scared of anything from us.
CSIS: What are you scared to say?
OMAR: Promise me you’re going to protect me.
\end{verbatim}

\textsuperscript{89} The officials knew of Abdurahman’s detention, but did not say.
\textsuperscript{90} Released excerpts from interrogation transcript:
claimed emphatically that he had been tortured and demanded that the Canadians help him. Frustrated by his lack of cooperation, Greg and Gould played out a good cop, bad cop scenario with Greg telling Omar:

You’re wasting Jim’s time, you’re wasting his time here. He’s here to listen to you talk and you’re wasting his time and he’s not going to be able to help you. He’s from the federal government and he’s told you where he’s from and if you don’t cooperate how the hell’s he going to help you?’(Gould in Shephard, 2008: 124).

Gould, though silent, then stormed out of the room appearing angry and fed up. Greg continued, ‘If you’re prepared to talk, I’ll try to get him to come back into the room but I’m not sure he will, I thing we’re out of here’ (Gould in Shephard, 2008: 124).

Gould believed that the change in Omar’s demeanor was the product of another prisoner telling him he shouldn’t speak anymore, that his ‘dad would not like’ him for talking (Shephard, 2008: 123). Greg asked Omar directly if he had talked to someone, insinuating that this was the reason for his changed behavior. Omar denied that he had. Soon after, Omar began to cry and would not respond to his interrogators questions. They

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CSIS: Why don’t you just tell us what it is you have to say?
OMAR: Promise me you are going to protect me from the Americans.
CSIS: From the Americans?
OMAR: Yes.
CSIS: Okay, what’s going on with the Americans?
OMAR: Promise me that you are going to protect me if I tell you.
CSIS: Well we can’t protect you if we don’t know what it is that you have to say directly.
OMAR: Promise me you’re going to protect me if I tell you.
CSIS: Well, the only thing I’ll promise is that I’ll listen to you, and I’ll talk to the Americans for you here.
OMAR: And after you go?
CSIS: Pardon me?
OMAR: And after you go?
CSIS: And after I go, then I’ll listen to what you know, then I’ll come back and talk to you again. Make sure everything’s alright. Tell me what’s changed from yesterday.
OMAR: I’m scared to tell you.
CSIS: Well, I’ll tell you, there’s not much we can do, unless I know what you’re talking about.
OMAR: Everything that I said to the Americans was not right, I just said that because they tortured me very badly in Bagram. So I had to say what I said.

left Omar alone to ‘pull himself together’ (Shephard, 2008: 123). As the video of his interrogation would later reveal, once alone, Omar was watched through surveillance cameras as he sobbed and rocked back and forth. Holding himself, Omar cried over and over, ‘Mother, Mother’ (‘You don’t care about me’, 2008, July 15). The Canadians requested that Omar be kept from other prisoners that evening to avoid further contamination.

On the fourth day, Omar appeared more amenable but continued to insist that he would tell them anything they wanted if they would return him to Canada. He cried and begged them to take him home. Greg told Omar that he was in the hands of the United States and that Canada was virtually powerless to obtain his release. Canada, Greg said, was an ant sleeping in the same bed as an elephant (Shephard, 2008: 124-5), an image originally presented years before by Prime Minister Pierre Trudeau.

Between 2003 and 2004, Omar Khadr was interrogated six times by Canadian intelligence officers (‘Canadians called me a liar’, 2008, March 18). The information gleaned from these interviews was freely shared with the Americans and provided without assurances that the U.S. would not seek the death penalty if the information came to contribute to Omar being charged and convicted (‘Canadians called me a liar’, 2008, March 18). Over the course of these, what the Canadian government called ‘welfare visits’, Omar’s wellbeing did not appear to be of central concern. The interrogators ‘never asked Omar how he was feeling or how he was holding up, nor did they ever ask him if he wanted to send a message to his family. The Canadian interrogators never advised Omar of his rights’ (Muneer Ahmad as quoted in Shephard, 2006, January 8).

In March 2004, Omar initiated four separate legal proceedings in Canada. The cases sought: 1. Access to consular services, 2. An injunction from further interviews at Guantanamo Bay plus damages, 3. The disclosure of the interviews transcripts including any information given to the United States by CSIS and DFAIT, and 4. The judicial review of the Canadian Prime Minister’s refusal to request Omar’s repatriation
(McGregor, 2010: 490). The discussion that follows will focus on the only one of these cases to move forward, Khadr v. Canada 2005. The significance of this case is two fold: First, it was able to successfully claim that the interviews by CSIS and DFAIT were in violation of Omar’s *Charter* rights and led to an injunction protecting him from further interrogations. Second, Omar’s situation provided a test case for determining, ‘what is Canada’s obligations to one of its citizens who is detained in a foreign legal system that does not provide basic rights?’ (Pratt, 2011: 37).  

*Stage of Identification: Constitutional checks.*

Omar’s grandmother, through an administrative procedure called ‘next-of-friend’ that allows claims to be brought by others when an individual is unable to bring them him or herself, took the legal actions listed above. Because of Omar’s detention in Guantanamo Bay and his inability to access a Canadian lawyer directly, these cases were brought on his behalf and presented by Dennis Edney and Nate Whiting, two Edmonton-based lawyers working *pro bono*.

In 2004, a 17-year-old ‘Mr. Khadr’ applied before a federal courts for 1. A declaration that the Plaintiff’s *Charter* rights have been breached; 2. Damages for $100,000.00; And 3. An injunction against further interrogation by Canadian government agents (Khadr v. Canada, 2005, August 8). At the same time as this injunction was being sought, the Canadian government was arranging what it hoped would not be its last opportunity to question Omar in Guantanamo. In his affidavit to the court - provided by his U.S. attorney through his US counsel - Omar states that he:

(S)trenuously object(s) to any future interviews (...) (being) conducted by agents or officials of the Canadian government (and) invokes his rights under the *Canadian Charter* (...) including his right to remain silent, his right to counsel, 

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92 A fact admitted by the Crown attorney (Khadr v. Canada, 2005, August 8, *para 4*).
and his right to be advised as to the nature of any and all allegations raised against him (Khadr v. Canada, 2005, August 8, para 4).

In defense, the government’s Crown attorney argued that Omar’s rights had not been violated because he was not being investigated as part of an official criminal investigation. On the contrary, they argued, in light of their inability to seek consular access through official channels, these interviews operated first, as clandestine ‘welfare’ visits, and only second, as an opportunity to gather information that could help in the government’s ongoing investigation into Al-Qaeda terrorist activities:

[T]he Charter is not engaged without a sufficient connection to a criminal or quasi criminal investigation or prosecution. In this case, there are no allegations or ongoing investigative actions, let alone charges, by Canadian police in connection with a crime committed or to be prosecuted in Canada. Rather, the visits provided DFAIT (which was denied consular visits to the Plaintiff) an opportunity to evaluate the Plaintiff’s well-being and general circumstances. They also allowed CSIS officials to interview the Plaintiff for the purpose of collecting intelligence information that may be of assistance in its investigation of Al-Qaeda (Khadr v. Canada, 2005, August 8, para 16).

The Canadian government’s suggestion that it was primarily interested in ‘ascertain[ing] Khadr’s well-being’ (Freeze, 2005, August 10) was consistent with the government’s expressed public concern for Omar’s care, as introduce above, particularly in consideration of his age, his potential child soldier status and his reported injuries. If charged and convicted, he could also face the death penalty. But this invocation of human security concerns, as will be shown below, was determined to be primarily a strategic claim and not consistent with the evidence as heard by the judge.

Over the course of the trial, and having heard the evidence and reviewed the heavily redacted documents provided by the Crown as evidence,93 the judge, the

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93 This evidence included: the affidavits of Sergeant Labonté of the RCMP, Serge Paquette of DFAIT and William Hooper of CSIS have been filed. Cross-examinations of Serge Paquette and William Hooper have taken place. In addition, the Plaintiff’s US counsel Muneer Ahmad filed a lengthy memorandum with numerous exhibits containing US and Canadian documents, which (although some are heavily redacted) shed further light on the situation. Muneer Ahmad was not cross-examined on his affidavit and thus his evidence stands uncontradicted (Khadr v. Canada, 2005, August 8, para 22).
Honourable Mr. Justice von Finkenstein, concluded that the Statement of Claim was ‘relatively sparse in terms of what actually happened at Guantanamo Bay’. ‘This included questions pertaining to: What was the role of Canadian Authorities? Who was in charge of the interviews? What did they ask Omar Khadr? How are the results of the interrogation going to be used?’ (Khadr v. Canada, 2005, August 8, para 21). Because much was unknown about the visits by Canadian authorities in Guantanamo Bay and their relationship to U.S. interests, the judge determined that there was not substantive evidence to halt the visits based on the assertion that the interrogations were for the purpose of assisting the U.S. government in their investigation.

Nonetheless, the judge summarized the ‘relevant portions’ of the evidence as being: that the conditions at Guantanamo Bay did not meet Charter standards; that Omar was in poor mental and physical shape; that summaries of information collected in the interviews were passed on to the RCMP and U.S. authorities; that Canadian agents took a primary role in the interviews, were acting independently and were not under instructions; that there was no evidence that Omar was advised of his Charter rights, e.g. right to silence, right to counsel; and that that there was no evidence that assurances were sought or provided by U.S. authorities that the interviews would not be taped or that the evidence would not be used against the Plaintiff (Khadr v. Canada, 2005, August 8, para 23).

Of ‘considerable significance’ to the judge, however, was a November 1 2002 DFAIT Washington email which stated:

First, the purpose of the visit was the collection and sharing of information for intelligence and law enforcement purposes. Consular visits were a non-starter, and applications that appeared to be consular visits by other means would be scrutinized very closely - which could lead to delays. We noted that, as part of our normal practice, a Canadian mission to Guantanamo would include a DFAIT official and asked if this would problematic. The US responded that this would not necessarily be a problem. Foreign ministry officials had been part of the other visiting delegations. The US initially noted that these officials were often indispensable to confirming the identification of the detainees, but then stressed that, as long as the core of the mission - to maximize cooperation on the intelligence and law enforcement front - was not affected, a DFAIT presence
would be acceptable (Underlining added by judge) (Khadr v. Canada, 2005, August 8, para 24).

Undermining the government’s claims that Omar’s welfare was of prime concern, the email reported that ‘the core of the mission - to maximize cooperation on the intelligence and law enforcement front’ was of primary consideration, and that the benefit of having ‘DFAIT presence’ was not to ascertain Omar’s wellbeing but was useful because they were ‘often indispensable to confirming the identification of the detainees’. The email, part of a larger cache of US and Canadian documents provided by Omar’s US counsel, demonstrated conclusively to the judge that, contrary to the Crown’s earlier claims that the DFAIT/CSIS interviews ‘provided an opportunity to evaluate the Plaintiff’s well-being and general circumstances’, that they were not welfare visits or ‘covert consular visits’ but were ‘purely information gathering visits’ with a ‘dual’ focus on ‘intelligence gathering and law enforcement’.

Having established that the actions of DFAIT/CSIS were not only focused on Intelligence-gathering, but had purposively been arranged with the understanding that Omar not receive consular services or supports to avoid ‘delays’, the next legal stake pertained to whether or not Charter rights apply outside of Canada in this case (Khadr v. Canada, 2005, August 8, para 25). A legal precedent in the case R. v. Cook (1998) had in fact found that Charter rights may apply outside of Canada.

While this may be true, the Crown argued, the actions of the government were nonetheless justified in the name of national security, an argumentative shift that moved the stakes of the agencies’ actions away from a Charter issue to one pertaining to the prerogative powers of the state and the balancing of ‘public interest against the interest of the individual litigant’. Thus, the government’s claim to a ‘balance of convenience’ argued that the interests of the Canadian people took precedence over the interests of the individual and thus DFAIT and/or CSIS were acting within the limits of their prerogative powers for the greater good. Citing precedence in Attorney General of Canada v. Fishing Vessel Owner's Association of B.C. [1985] 1 F.C. 791, which finds: ‘When a public
authority is prevented from exercising its statutory powers, it can be said, (...) that the public interest, of which that authority is the guardian, suffers irreparable harm; (...)’ (para.38), thus DFAIT and/or CSIS for reasons of national security ‘found it necessary to rise above the interests of private litigants up to the level of the public interest’.

The Crown’s claim to ‘balance of convenience’, naturally sought to persuade the judge by legal argument but simultaneously situated the judge’s possible ‘wrong’ decision, i.e. to order an ‘interlocutory injunction’ against further interrogations, as a threat to public security. The judge in turn laid out the Crown’s argument:

Indeed, in many situations, problems will arise if no account is taken of the general public interest where interlocutory relief is sought. In assessing the risk of harm to the defendant from an interlocutory injunction which might later be dissolved at trial, the courts may be expected to be conscious of the public interest (Khadr v. Canada, 2005, August 8, para 43).

Thus, a judgment for the Plaintiff (Omar), risked not only the Canadian public - by interrupting or challenging the operation of these agencies and thus the government as a whole, but ‘[t]oo ready availability of interlocutory relief against government and its agencies could disrupt the orderly functioning of government’ (Khadr v. Canada, 2005, August 8, para 42).

Applying this finding to the present case, one must weigh CSIS’ legitimate intelligence gathering in the name of fighting Al-Qaeda and DFAIT’s activities in support of Canadians abroad, against the danger to the Plaintiff that any information extracted from him may be used in proceedings against him which may lead to his long term imprisonment or worse. In other words, will the public interest suffer irreparable harm if CSIS is deprived of any future opportunity to question the Plaintiff? (Khadr v. Canada, 2005, August 8, para 43).

Here Justice von Finkenstein articulates a concise staging of the dilemma posed to the courts in dealing with the Omar Khadr’s detention and interrogation. In the confrontation between HS and PS security agendas, the question posed is nothing short of the classic security paradox, which pits the security of the individual against the security of state. Is security a pact or racket?

*Stage of Mobilization: desecuritization as positive securitization.*
In unpacking the ‘balance of convenience’ argument and its relevancy to the case, the judge clearly articulated the structural antagonism inherent to a state articulated neo/realist defense of national security, which pitted Omar’s individual security against that of the state and collective (public safety). While recognizing the importance and charge of Canada’s intelligence community in the protection of Canadians and the fight against terrorism, the judge argued that in the case of Omar Khadr, the balance of convenience must side with him:

First of all, the Plaintiff is in captivity and, at the very least, his freedom is at stake. Secondly, it is questionable whether after three years of captivity the Plaintiff still has any information of use to CSIS or DFAIT. Thirdly, given the conditions at Guantanamo Bay, there is considerable doubt as to whether he is free to decide (without fear of consequences) whether he wants to be interviewed by CSIS/DFAIT agents (Khadr v. Canada, 2005, August 8, para 44).

The first three justifications point to practical rationales that speak outside the law to draw attention to Omar’s human state of being, both physical (his captivity, lack of freedom, conditions at Guantanamo) and psychological (‘fear of consequences’). The fourth justification speaks to the broader legal justifications of the case:

[T]here is also another public interest at play and that is assuring that Canadian officials, when questioning Canadians (whether in Canada or abroad) respect the Charter. Thus, the danger to the public interest caused by CSIS/DFAIT agents not being able to access the Plaintiff is outweighed by the possible conviction of the Plaintiff in the US on the basis of evidence obtained in violation of the Charter (Khadr v. Canada, 2005, August 8, para 44).

Recognizing that in this case, the Government’s violation of Omar’s Charter rights presented a greater risk of injustice than the risk to the public interest by limiting the prerogative powers of CSIS/DFAIT agents, the judge ordered on August 8 2005:

In my view, the present case is one of these rare exceptional cases where granting an injunction is required to prevent a potential grave injustice. Accordingly, an interim injunction will issue prohibiting the Defendant and its agents from conducting any further interviews of the Plaintiff pending the trial of this action ((Khadr v. Canada, 2005, August 8, para 46).

On November 2005, terrorism-related charges were laid against Omar before a U.S. Military Commission. The grounds for such charges included the information obtained by CSIS/DFAIT during their interrogations.
Justices Iacobucci and Arbour wrote in their 2005 assessment of the constitutionality of ‘investigative hearings’ as outline above:

The challenge for democracies in the battle against terrorism is not whether to respond, but rather how to do so…. Consequently, the challenge for a democratic state's answer to terrorism calls for a balancing of what is required for an effective response to terrorism in a way that appropriately recognizes the fundamental values of the rule of law (Iacobucci and Arbour as quoted in Loukidelis, 2005).

As discussed in Chapter Three, and above by Judge von Finkenstein, though the state and its executive branches are responsible for the public safety, they too can pose a threat to some citizens through the suspension of modes of legal protection and obligation. While governments may in times of crisis or emergency find ‘the legal field of action’ more ‘open to governments than in times of normalcy’ (Forcese, 2008: 35), such emergency conditions do not suspend the law. On the contrary, as in Khadr v Canada 2005, state actors must ‘demonstrably justify’ to themselves and ‘the free and democratic society’ the logic of curtailing civil liberties and rights when proposed. It is thus through the law that the grounds for a ‘public security’ defense of necessity and security are claimed, challenged, and determined to be legitimate or not.

6.4 Chapter Summary

This chapter has worked to illustrate how dominant Canadian identity narratives and their respective policy frames constituted the horizon of understanding before which Omar, his family, his cultural identity, his citizenship, his religion, his age, and his well-being, were constructed and then judged to be good or not, innocent or not, valued or not, worthy or not, belonging or not, responsible or not, and/or threatened or not. I also highlight the range of securitizing actors implicated in the case who directly or indirectly impacted Omar’s in/security. This included Canadian and U.S. governments, the courts, domestic and foreign policy makers, the media, Omar’s family, advocates for Sgt. Christopher Speer, other detainees and their families, and interested individuals who through editorials and letters to the editor situated themselves as opinion shapers working to identify Omar as a threat, and thus deserving of his circumstance, or as threatened and
in need of protection.

At the start of this chapter, I present two basic discourses of Canadian national identity: Human Security and its counter narrative, Public Safety. I present for each their conceptual history as a pure type representation of their narrative and rhetorical currency. As analytical tools, I traced these national narratives through the broad terrain of seven key securitizing events relating to and surrounding the case of Omar Khadr in order to illustrate the ways in which competing articulations of national identity, security policy, and citizenship were implicated in constructions of Omar’s identity and his effective ‘jettisonship’ from national belonging.

As demonstrated throughout this chapter, over the first years of Omar’s capture, Canada’s national identity was in transition. This was made evident when various securitizing actors, i.e. governments, political actors, and engaged citizens, were confronted with evolving international and domestic events, media frames, and political opposition. These surfacing events included the terrorist attacks of 9/11; domestic changes to Canada’s juvenile justice; Canada’s participation in the war in Afghanistan; Omar’s capture; Omar injuries; Omar’s age; the U.S.’s uncooperative response to Canadian inquiries; the Maher Arar case; Canada’s refusal to participate in the invasion of Iraq; unfolding media revelations and corrections concerning Omar’s family; his detention; his interrogation and torture; the airing of the CBC Khadr family documentary; and court cases brought against the U.S. and Canadian governments. Subsequently, the process of analysis presented in this chapter utilized the tracing of competing narratives of Canadian identity in order to present the Omar Khadr case in its discursive unfolding as a phenomenon both constituted by and constitutive of emergent transformations in Canada’s foreign and domestic security policies and governance. More than this, however, imaginings of Omar, who was not himself socially or politically positioned to speak to his own insecurities and experiences, presented to the Canadian public a stage upon which to confront emergent individual and collective insecurities and uncertainties.
What does it mean to be Canadian? What do Canadians value? And who will be allowed to speak their Canadian-ness in a post-9/11 world?
Chapter Seven: Discussion

As the term `narrative' suggests, the story told of identity is neither out there to be discovered nor inside us as individuals to be externalized in a creative act. In a sense, it is both. It has to make sense to others, not only as common language, but as a meaningful account of the self which draws on a stock of such accounts. To sustain a narrative means to sustain an account of a self which is already in the public domain and can therefore make sense to others. For it is clear that the project of keeping a story going has critical reference to an audience other than the self. It is to others, as much as to oneself, that we must make sense of our identity. To ignore this is to adopt the position of the fantasist or insane.

- Bill McSweeney (1999), Security, Identity and Interests

7.1 Introduction

As Etienne Balibar (2008) argues, citizenship is always in a process of dialectical transformation. Yet constructions of identities and insecurities work to communicate an intrinsic relationship between citizenship, as a process of providing protections to some and not to others, and the political community, that is fixed and natural. As demonstrated throughout this research, national identity or societal security concerns are recognized through the invocation of national identities, and thus constitute a social process that actively represents particular categories of people as threats (Muller, 2004: 282). Thus the overarching finding of this project is that the key to examining security relationships is most saliently revealed through examinations of citizenship contestations, claims of belonging and the making insecure of Others.

In this chapter I work to advance the significance of my findings by interpreting their implications within and through securitization theory. To begin, I respond to my first research question What enabled Omar Khadr to become a ‘jettisoned’ citizen of
and speak to the significance of each of the seven securitizations and their contribution to the working-up of Omar Khadr as a security problem worthy of jettisonship. I then respond to my second research question, *How does this understanding contribute to the securitization debate over positive vs. negative security and the efficacy of individual vs. national/collective securitization?* In particular, I address how the government’s designation - and removal - of Omar’s ‘child soldier’ status points to critical insights pertaining to age-identity and individual securitizations both at the level of every-day practice and as a subject of study. Following this I outline some of the scholastic contributions of my project and offer suggestions for future research.
### 7.2 Locating Securitizations

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7.2.1 Securitizations One and Two: Securitization at the Level of the State

Securitization One: Interstate (In)security

The stability of Canada’s human security discourse was significantly compromised at most levels after 9/11 as principles of multiculturalism and equality were implicated as threatening to North American security and survival. Canada had been drawn into a security puzzle that appeared to necessitate the explicit institutionalization and integration of US interests into Canadian security concerns. As a result, claims that Canada’s survival was being threatened became discursively tied to concerns over economic in/security and immigration policy reform. Challenging Liberal ideations of Canada as a sovereign nation in opposition to U.S. imperialism, the Chrétien government’s post-9/11 response to the U.S. was to institute legacy security policies (i.e. ‘let’s do this right the first time’) premised on correcting past oversights and accepting the ‘new normal’ in state-citizen and citizen-citizen relations.

The securitization of Canada by the U.S. led the Liberal government to adopt a ‘preservative and justificatory’ (Reisigl and Wodak, 2005) counter securitization strategy that buffered its adoption of PS discourses and policies by caging them within HS value-claims. This strategy worked to conserve and reconstitute Canada’s HS identity as a sovereign, peaceful, lawful, diverse and principled nation. The Liberal government’s commitment to the rule of law had been the rhetorical touchstone of its human security agenda, but its incorporation of the language of ‘necessity’ and ‘risk’ as justifications for new security policies - and its invocation of global insecurities and economic realities - demonstrated that the coherence of the government’s HS discourse was strained.

Securitization Two: Policy and societal security

The rhetoric surrounding the Chretien government’s commitment to security provisions was situated in the language and promotion of a human security agenda, but the content and implications of Canada’s security policies (e.g. Bill C-36) nonetheless accommodated and even privileged these PS orientations (Roach, 2011: 378). The result
was that *some* Canadians found themselves ‘chased from their national belonging’ (Balibar, 2001). In its effects, the price of successfully desecuritizing Canada and purging it of its threatening status was to – in coordination with U.S. security demands - constitute and securitize an Other in its place, i.e. the enemy-within. Articulated through a range of discursive imaginings - i.e. the Muslim, the Arab, the immigrant, the duo-national, the home-grown terrorist, the fraudulent asylum seeker, the citizen-of-convenience, the accidental citizen\(^\text{94}\)\(^\text{95}\) - the protection of Canadian values and identity arrived through the construction and institutionalization of insecurity for those deemed ‘wanting’ (Butler and Spivak, 2007) in loyalty and national devotion (Buzan, 1993: 119-120). It was before this horizon of national identity contestation and the fragmentation of Canadian citizenship that Omar Khadr appeared before the Canadian public.

7.2.2 Securitization Three: Securitization at the Level of the Individual

*The Introduction and Withdrawal of Protection: ‘Child Soldier’*

In the midst of stressed U.S./Canadian relations over the U.S. targeting of Canadian duo-nationals at border crossings, Canada crafted its response to the news that a 15-year-old Canadian youth was seriously injured, captured and detained in Afghanistan after a firefight that killed a U.S. soldier. Having independently confirmed the identity of the individual, the Department of Foreign Affairs gave a press conference where, among other things, it self-evidently offered that Omar Khadr was a ‘child soldier’ and that dealing with the situation was a ‘security matter’. On the surface, Canada’s response represented a unique example of a state-articulated positive securitizing move at the level of the individual but it was deployed within a societal security frame as a response to ongoing threats to Canadian citizens and as a threat to Canadian sovereignty. But like all

\(^{94}\) Peter Nyers’ discussion of the ‘accidental citizen’ refers to immigrants who are seen as illegitimate who have bestowed on their children the (accidental) status of native born citizenship.

\(^{95}\) This is not to suggest to that Arab peoples and those of Muslim faith had not been discriminated against in Canada prior to 9/11 (see *supra* note183), but that this process of desecuritization allowed such measures to be deployed and circulated as a legitimate rational and worthy of public debate.
securitizing moves, this designation was political and thus strategic, and in its effects, I argue, became the linchpin-moment of Omar’s protracted ordeal.

Deborah Stone (2012) argues, ‘Political creatures are always manoeuvring to locate the blame somewhere else (Stone, 2012: 253). For Canada, Omar’s child soldier status performed two tasks. First, as Canada was defending itself from accusations that it was a terrorist safe haven, Omar’s appearance came at an inopportune time. As a child in a war zone fighting against American soldiers, Omar appeared to Canadians as a near ‘unintelligible’ subject (Butler, 2009). As the notion of ‘child solider’ is inextricably tied to the image of the ‘failed state’ - with protections coming from benevolent and civilized countries like Canada – Omar’s status as child soldier discursively located him somewhere out there and as not really one of ours.

From the start, I argue, the government’s discursive comportment towards Omar significantly contributed to the conditions that would establish Omar as a jettisoned subject of Canada. This began at the press conference. In what appeared as a natural and unreflective act of providing the press with information regarding the case, the Department of Foreign Affairs revealed Omar’s name - i.e. ‘Omar Khadr’, ‘Mr. Khadr’ - thus indicating that his name could be circulated publicly and published. In Canada, the identity of a Canadian youth who has been arrested, detained and/or accused of a crime is customarily not to be named in the press:

The rationale for protecting the privacy of young persons through publication bans is in recognition of their immaturity and the need to protect them from the harmful effects of publication so that their chances of rehabilitation are maximized’ (Canada. Department of Justice).

While the function of the publication ban is formally to provide a ‘protection of privacy… by prohibiting the publication of information that would identify a young person’s involvement in the criminal justice system and by restricting access to their youth records’ (Canada. Department of Justice), the preservation of privacy also works to maintain the privacy of the family and the youth’s relationship to them.

Though the rationale for offering Omar’s name remains one of speculation, the
significant impact of this act is three fold: First, in presenting the name of a Canadian youth accused of a serious crime for publication, Omar is denied the protections typically provided young offenders and thus is treated effectively as a non-Canadian youth. Secondly, insofar as Omar *is* accepted as Canadian, his being named would be confusing to the public. Juxtaposed to references of Omar as ‘Mr. Khadr’, his naming may appear to the indiscriminate reader as a sign of his being an adult or somehow worthy of being addressed as an adult. As Omar’s situation was regularly situated as unusual, the reader was left to construct his or her own rationale for the name being published and the pronoun adopted. Finally, the publishing of Omar’s name meant that he inevitably would be made sense of within the notorious narratives of his family. 96 Without reference to the Khadr family, Omar would fail to invoke the full-ire of the Canadian public and allow the Canadian government to advocate for Omar without the ‘embarrassment’ of past transgressions. While Securitization Seven addresses the court’s charge that the actions of Canadian officials have the potential to constitute a threat to a citizen when they do not honour a Canadian’s Charter rights when they are outside of the country, the oversight in publicizing Omar’s name demonstrates the danger of what can happen when a Canadian child citizen who is outside of his country is not recognized as one from within his country.

The second and equally detrimental framing of Omar by the Canadian government was its failure to uphold his designation as a child soldier. The status of child soldier as outlined in the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (OP) universally posits that children under the age of eighteen who are implicated in an armed conflict are entitled to rights of protection by those countries which are signatories to the agreement, Canada being one.

96 Despite the well-recognized prohibition against naming accused young offenders, mention of this violation of convention was, not to my knowledge, ever addressed in the media or by advocacy groups and has only once been mentioned in the academic literature in a Master’s degree (Wray, 2006).
This designation is important because it situated Omar within the context of age related vulnerabilities and not within the confines of assumptions of childhood inherent to the Canadian juvenile justice system as explained in Securitization Six. As a child soldier, Omar is considered a victim, but his innocence is not conditional on his non-participation.

As was introduced above, the Canadian government’s advocacy for Omar’s child soldier designation was immediately dropped after its first use on September 6 2002. Surprisingly, this identity frame was not picked up or developed by the media or public as a recognizable characterization of their teenage ‘al Qaeda assassin’ (Freeze and Boyd, 2002, September 6). Removing themselves from publically speaking to Omar’s age-related insecurity, representatives of the Liberal government signaled to the Canadian public and world a change in its position towards Omar, and subsequently its own national narrative. The stakes of this were significant for Omar.

As Piper (2008) points out, the function of changing the image of a child from a universally protected status to one associated with rights and responsibilities, i.e. Canadian child citizenship, works to ‘justify withdrawal of investment’. Since a call for action and responsibility is built into the core of the child-soldier HS discourse the removal of this designation discursively removes the Liberal government from its responsibility to advocate for Omar at that level and suggests a move towards public security priorities. Thus when the state has removed its protection, ‘the child that is left’ is one who is threatening and ‘can be disciplined and punished for not using opportunities properly’ (Piper, 2008: 151-2). The Liberal government’s failure to protect, its withdrawal of its positive securitization of Omar, became a facilitating condition for the success of negative securitizing moves rooted in PS discourses. Without consideration of

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97 This would begin to change in 2005, and would discursively take off in 2008, when the argument for Omar’s child soldier status took on new life. This was due in part to his continued detention, to the fact that charges were being brought against him by the U.S. government, that the status of child soldier became a strategic issue to direct against the Harper government, and in light of prominent advocates for Omar, such as Romeo Dellaire, taking up his cause in the Senate and before the public.
age-related insecurity situating him within the context of his capture, Omar was left open to being nominated for multiple and widely circulated PS identity categories (i.e. terrorist, bad immigrant, accidental citizen, indoctrinated jihadist youth, and threatening Other), each of which marked him for exclusion and jettisoned him from the protections of social belonging.

7.2.3 Securitization Four: Media as Securitizing Actor

As mentioned above, the Canadian public - both laypersons and political actors - were heavily reliant on the media for their understanding, not only of the events surrounding Omar’s capture, but also to orient their ideations of who he was and the nature of his circumstances. Thus, the media’s choice of narrative frames became the lens through which the public came to understand the case. While the Canadian government sought to preemptively introduce its own storyline to the public, i.e. that Omar was a child soldier and thus potential victim of his circumstances, the media, drawing on different and readily available biographical facts and salacious references, fleshed out alternative answers to the question: Who is Omar Khadr? They had his name, next they would construct his story. To this end, the press uniformly took to situating Omar’s circumstance within three intertwined narratives. Rather than developing a story of how Omar became a child soldier, the media adopted frames that located him: first, as an example of Canadian history (specifically, Chrétien’s ‘embarrassing’ history) repeating itself; second, as a ‘good son’ raised in an ‘Al-Qaeda’s Canadian vanguard’ terrorist family; and third, as a reflection of wider and more broadly accepted public safety concerns over Canada’s ‘fifth column enemy within’ (Spalek, 2008), i.e. that Canada was a safe haven for terrorists.

As a future oriented, dynamic, and interactive strategy, securitizing media frames work to situate actors in a conversation where threat situations are intermingled with persons, acts, agendas, events, language, and/or objects (Hulst and Yanow, 2016: 98). Thus journalists adopt normative discourses and rhetoric for their audiences in order to
make sense of events and strategically orchestrate desirable responses for what should come next. In naming Omar as a terrorist, outsider, and threat, his identity became illustrative of Canada’s present insecurity. The National Post in particular, but also The Globe and Mail and Toronto Star, utilized Omar’s case as a vehicle for naturalizing PS discourses and in so doing enabled and legitimized the possibility of alternative PS policy narratives and new national leadership. This campaign for change was performed most unapologetically by the National Post whose explicit promotion of Stephen Harper forwarded a PS agenda that worked to efface the long standing rhetoric of Canada’s political left and HS concerns. By positioning him centrally as a reasoned and insightful political leader with allegiances to Canada’s intelligence community, the National Post worked to nominate Harper as a future political contender capable of successfully confronting Canada’s Liberal-imposed national insecurities.

7.2.4 Securitizations Five and Six: the Role of the Audience

Securitization Five: Securitizing the citizen’s Other.

Representatives of the public (as manifest in editorials and letters to the editors) claimed Omar’s un/worthiness to national protection through invocations of his formal and social citizenship, associated rights, and his differential positioning narrated not only in terms of race and religion but in relation to claims over who is deserving of citizenship, advocacy, and belonging. Thus the concomitant positive securitization of Maher Arar and his family as victims and deserving ‘good immigrants’ positioned Omar, through his naturalized difference, as coming from an undeserving ‘bad immigrant’ and threatening family.

As presented above, following the news of Omar’s detention, the press situated Omar and his alleged actions within the context of his family and the existence of terrorist cells in Canada (Stewart, 2002, September 7). These public safety narratives effectively eclipsed competing discourses relating to Omar’s insecurity, his significant injuries, his possible recruitment as a child soldier, and his status as a minor held with
adults in questionable - even torturous - conditions of detention. But it was not the nature of these competing narratives that was interesting for some, but rather that the values of the PS discourse was accepted and those of a HS discourse were not. As Toronto Star columnist, Thomas Walkom, posited at the time, it was the ‘attitude of Canadians’ towards Omar Khadr that was ‘the most curious element of all’ when considering the case as it unfolded (Thomas, 2002, October 29).  

As Chapter Three outlines, when publics point to insecurities on behalf of other individual citizens who are not positioned to speak for themselves, as in the case of Maher Arar, then these attempts at positive securitizations reveal not only a concern for how government actions - or lack of action - can cause some citizens’ security to be jeopardized. As an expression of recognition, such responses work to negotiate the line of inclusion and exclusion within the national community. Thus community-making is performed through the imposition of identities, which establish boundaries and borders through narrative claims and challenges to belonging (Wibben, 2008).  

As Macklin (2008) argues, the domain of diplomatic protection is the public, the constituency, who through their in/action, help deplete or add substance to the ‘citizenship container’ of those threatened by government’s failure to advocate on their behalf. The public, it is understood, plays a critical role in influencing the government’s decision to offer diplomatic protection and/or intervention. Through this lens, the failure of the public to generate a critical mass of concern for Omar’s treatment and detention is evidenced by the Canadian governments’ failure to robustly and effectively advocate for his release as it did in the case of Maher Arar.

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98 Toronto Star national affairs columnist, Thomas Walkom, argued that Canadians were ‘blas about the fate of Canadians’ who had been caught up in the war on terror. Through this charge, Walkom posits a belief that in Canada, public opinion matters (otherwise the issue of which direction Canadian opinion fell would be a moot point), and in light of this claim, moves to confront Canadians by pointing to their apathy, their ‘ho hum’ attitude, which finds them unmoved by the injustices posed on their ‘fellow countrymen’. Walkom, T. (2002, October 29).
Securitization Six: Securitizing of the Omar as ‘Young Offender’

In Canada, the definition of the youth offender is inextricably tried to an understanding of what constitutes childhood and adolescence. While a simplistic legalistic definition of a young offender as articulated in the Youth Criminal Justice Act (YCJA) is a person between the ages of 12 and 17 who has broken the law, the conception of what it means to be a ‘youth’, a ‘juvenile’, ‘adolescent’, ‘minor’ or ‘young adult’ each carries its own set of connotations and associations (Meiners 2012: 124). In Canada, the production of the adolescent and juvenile as deviant is habitually ‘inflamed and remade’ through the media and public, offering insight into the cultural and political anxieties of Canadian communities. As Erica R. Meiners (2014f) argues, while there is no agreement around how or when childhood ‘evolves’ into youth, or how and when youths transition to adulthood, the precise legal, political and social meaning attached to these categories are never produced in isolation from race, sexuality, gender, ability, geography, socioeconomics, and more. Thus the vulnerable, the competent and the threatening child each become recognizable images (Meiners 2012: 124).

It is hard to escape when surveying the literature, the role that age played in Omar Khadr’s securitization. For some Omar’s participation in an armed conflict and his age at capture should have nominated him for, if not child soldier status, then other considerations based on HS protections and assumptions about an adolescents’ diminished capacity, e.g. undeveloped rationality or restricted agency. For other PS proponents, Khadr’s age designated him as a responsibilized subject whose agency was paradoxically measured by the severity of the crime; as the adage goes, ‘if he’s old enough to commit the crime, he’s old enough to do the time’. In a sense, Omar was situated in what Nancy Lesko (1996a) calls, ‘the adolescent borderland.’ Omar, as a fifteen-year-old, came to occupy within the Canadian imagination ‘border zones between the mythic poles of adult/child, citizen/non-citizen, rational/emotional, civilized/savage, innocent/threatening’ (Lesko, 1996a). It is thus no wonder that for the duration of his
detention, polls consistently showed the Canadian public evenly split in its opinion over the degree of Omar’s responsibility and whether or not he should, due to the severity of the alleged crime, be treated and charged as an adult or be an object of intervention for the Canadian government.

Canada’s unwillingness to advocate effectively for Omar Khadr as child soldier or to insist that he receive special treatment in consideration of his age is argued by scholars like Nessa Lynch (1989) to be symptomatic of Canada’s failure to institutionalize the underlying values and principles of the CRC and OP at home. As Nessa Lynch (1989) argues, the failure of international commitments and agreements lies in their being refused the status of domestic law (Lynch in U. Kikelly, 1989, 189).

Understood through this lens, Canada’s failure to advocate for Omar Khadr cannot be addressed solely in terms of sovereign decision-making but must look to the role of Canadians as well.

The research into the status of children in Canada tells us that the expulsion of Canadian youth from national belonging is ubiquitous, particularly in aboriginal and first-nation communities. As found in a 2017 UNICEF report, ‘Canada ranks 37th on a list of 41 rich countries for children having access to enough nutritious food, and higher-than-average rates of child homicide and teen suicide’ (UNICEF, 2017). Canada is also found by the Canadian Human Rights Tribunal to have ‘racially discriminated against youth in its delivery of child welfare services on reserves’ (Bains, 2017, June 14).

Thus the history of how Canada treats young offenders is one framed through the values and assumptions of a PS agenda and constructed through a history of made insecure publics who demand to be protected from ‘dangerous’ youth (Schissel (2011). Therefore, despite the HS rhetoric that Canada works to uphold the principle of seeking the ‘best interests of the child’, domestically, the caricature of the troubled youth fails to register with most Canadians as a mobilizing call to action or advocacy.
7.2.5 Securitization Seven: Constitutional Checks.

As introduced in Chapter Two, constitutional checks are an effective means of addressing the tendency of state-centred securitizations to become ‘emergency traps’: a process whereby institutional emergency provisions (like those provided in the ATA and PSA) become a slippery slope towards yet further securitizations. The dynamic of this trap is two fold: First, there is the institution of emergency powers, but this does not ‘simply put an end to a security crisis’. Second, these provisions increase the pressure on executives to become more active and respond to situations where an issue may be viewed, or claimed, as a critical time for intervention. This liberty to act arrives in the form of incentives and opportunities where executives can justifiably extend their reach and authority further (Hanrieder and Kreuder-Sonnen, 2014: 338-9).

Given the expanded powers of the Canadian intelligence community after 9/11 and the pervasive claim that Canada had become a safe haven for terrorists, the interrogation of Omar Khadr in Guantanamo provided an opportunity to obtain intelligence on possible terrorist cells operating in Canada in defense of the public’s safety. Such acts would also allow Canada’s intelligence community to demonstrate to its U.S. counterparts, Canada’s continued commitment to the integration of U.S./Canada security practices and intelligence sharing.

For Ole Wæver, the special nature of security threats allows securitizing actors to justify the use of extraordinary measures to handle them (Buzan et al. 1998, 21). But unlike in the political realm where the success of a securitization is dependent on its being accepted as beyond politics by an ‘empowering audience’, the position of ‘judge’ as a securitizing audience begins with the assumption that the ‘exceptionality’ being claimed by the government is not a fact (Hanrieder and Kreuder-Sonnen, 2014: 335). Unlike discursive desecuritizations that provide challenges to threat constructions as a means of returning a security issue back to the realm of political debate, constitutional reviews begin with the assumption that the ‘jump between securitization and
exceptionalism’ is already inherently political and thus inherently contestable (Hanrieder and Kreuder-Sonnen, 2014: 335). Thus, Justice von Finkenstein did not hear the Crown and Defense’s invocations of ‘threat’, ‘exceptional circumstance’, and ‘public safety’ as empirical realities, but as strategic arguments and contexts through which to view the case law being presented. In deciding for the Plaintiff (Omar), Justice von Finkenstein argued that the public interest and Omar’s rights were not situated oppositionally on the scales of justice but rather that the public interest was best served through the protection of Omar’s Charter rights.

For Gunhild Hoogensen et al., a ‘consequentialist approach’ to securitization as positive or negative is based on the consequences of the security policy compared to either another policy or to politicalization. Here a ‘securitization is positive when it can be judged according to an agent-neutral value’ (Gunhild Hoogensen et al. as quoted in Floyd, 2007: 44). Thus, Justice von Finkenstein’s order of an injunction can be understood as securitization in the positive as it is articulated in terms of the agent-neutral value of preventing ‘a potential grave injustice’ (Khadr v. Canada, 2005, August 8, para 46) as determined by law.

‘Human security [also] constitutes just such an agent-neutral value’ (Floyd, 2007: 44). Therefore, the judge’s explanation for his decision too presents an example of securitizing in the positive as he explicitly presents an argument in favour not only of human security but in opposition to public safety based arguments. This is evidenced by the judge’s implicit invocation of human security principles (such as ‘freedom from fear’) through his reference to the conditions at Guantanamo Bay. At the time, Guantanamo Bay had become a lightening rod of moral outrage for its disregard of international standards of human rights and legal governance. In redirecting – on record - the stakes of the decision away from concerns about the state to concerns for Omar’s well-being, Justice von Finkenstein enacts the most distinctive action of positive securitizations: he highlights insecurities on behalf of another who is not in a position to speak for
themselves, and sets a precedent upon which other cases can be brought. In this capacity, the court functions as a primary vehicle for enacting limits on sovereign power through constitutional challenges and checks (Hanrieder and Kreuder-Sonnen, 2014: 338-9).

It is important to note that the audience for court decisions are situated not only within the legal community, but are also reported to and directed at the broader public as an enactment of Canadian values and identity. In this way, the securitizing of the individual also acts as a means of preserving the values inherent to Canada’s societal security, but in this case not as articulated by a PS discourse. On the contrary, Justice von Finkenstein’s decision reconstituted what members of Canada’s political left would argue was a threatened HS Canadian identity. For those on the political right, however, the decision enacted nothing less than a threat to Canada’s security and national interest.

7.3 Securitizing at the Level of the Individual and Collective

This section addresses my second central research question, How does this understanding contribute to the securitization debate over positive vs. negative security and the efficacy of individual vs. national/collective securitizations? The case of Omar Khadr presents a unique opportunity to examine examples of negative and positive securitizations and their deployment at the level of the state and societal identity, and at the level of the individual. In order to address these aspects of the research it is useful to review again the significance of societal security.

As introduced in Chapter Two, the Copenhagen School’s conception of societal security pertains to ‘large, self-sustaining identity groups’ (Hansen, 2000). Yet the identification of these groups, their being made recognizable, depends on both time and place (Buzan, 1993), but also on one’s understanding of the scope of securitization theory. As addressed throughout this project, identity - whether at the level of the individual,

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99 See Pardy (2016) for the list of cases brought before Canadian courts that relate to or reference Khadr I (2005).
group or nation -is above all a social achievement. In outlining the strategies of this process, Adam Hodges, identifies two modes through which identity is accomplished: First, through ‘tactics of distinction’, where potentially salient differences are perceived or asserted as authentic and self-evident (Hodges, 2011a; Hodges, 2011b). And second, though ‘tactics of adequation’ which work to establish socially recognized sameness among individuals or groups. These discursive strategies are presented as ‘situationally relevant’ and are deployed from an ‘outside position of power to impose sufficient sameness [or difference] on others for political purposes’ (Hodges, 2011a: 66; Hodges, 2011b: 69).

As Roe (2004) puts it, ‘Securitizing within the societal sector is therefore concerned with the defining of us and them, maintaining our identity as opposed to theirs’. As seen above, expressed through the rhetoric of public safety and the protection of Canadian values, migrants and asylum seekers - particularly Muslims and those from Arab countries - were extracted from Canadian collective protections (i.e. sameness) and determined to be securitized citizens, i.e. different, suspect, potentially threatening populations and thus worthy of being politically and institutionally extracted from the Canadian community.

But these communities were not passive recipients of these processes of exclusion. Just as societal security addresses the threats to the identity of the nation, it can also address practices that threaten the distinctiveness of ethnic and/or religious groups through ‘sustained application of repressive measures against the expression of identity (Buzan 1993: 45). Thus in Canada, the debate over racial profiling at borders and court decisions defending Muslim women’s right to wear a niqab while taking the citizenship oath, are examples of successful defenses of the rights of Arab and

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100 For example, as a multinational country, Canada recognizes the separate identities of Anglophone, Francophone, and First Nations peoples. These designations are instituted as recognition of, and provisions for, differentiated ‘identity security’. But as was seen in the aftermath of 9/11, these hard fought distinctions were overshadowed by the Canadian Liberal government’s united articulations of threat to Canada and the things that ‘we’ value.
Muslim men and women to express their cultural and religious identity through the clothing they wear and the faith they pursue. Societal security, in this form, addresses minority rights and therefore concerns questions of ‘entitlement and social justice’, fields typically addressed as outside the rhetoric of danger, urgency and survival (Roe, 2004).

In following the negative securitizations of Omar, it is easy to see that his being Muslim and a child of Arab parents preemptively imbued Omar, before the Canadian public, as a potentially threatening figure. But as was seen through the successful securitization of Maher Arar, Omar’s religion and/or ethnicity was alone not enough to nominate him for jettisonship. On the contrary, through media representations of the Khadr family and the way that they represented themselves, Omar became located within a threatening sub-collective of the already suspicious Arab/Muslim Other: Canada’s ‘al Quaeda family’, ‘The Khadrs’. Because Omar’s name was revealed to the public, Omar was inevitably judged through media frames of the ‘sins of his father’ (Martin, 2004, April 15) and the nature of the crime he was accused of. This is not a new revelation, but in terms of security analysis, the construction of the Khadr family as a distinct collective is key to explaining failed positive securitizations of Omar.

As was illustrated above, Arar’s wife, Dr. Mazigh, successfully spoke insecurity for her husband from within the collective ‘Canadian’ –not ‘Muslim’ - ‘we’ identity by enacting the recognizable and idealized image of her family as ‘good immigrants’. The Khadrs, on the other hand, tried to motivate Canadians to advocate for Omar by focusing, not on his Canadian-ness, but rather by adopting victim narratives that located him and the Khadrs as innocent and collectively threatened through claims that the government and public was mistreating the family. As the Khadrs located themselves as both within and without Canada in terms of their Canadian-ness, they failed to ‘talk up’ (Miller and Metcalfe, 1998) sympathy for their Khadr family, and in turn, Omar. This was particularly true after the mother and sister’s national television appearance in 2004. It is thus not surprising that the Khadr family could not act as a successful securitizing actor.
Another mode of securitization enacted on Omar’s behalf took the form of attempts to desecuritize him. In Huysmans’s discussion of the securitization of migrants as a threatening population, he presents a deconstructivist strategy where a threatened individual avoids adopting the language of the collectivity. Here the language of ‘migrants’ is replaced with the language of the individual ‘migrant’. ‘Thus, the potential fluidity of the individual migrant identity provides a possible escape route from the constraints of the us–them dichotomy’ (Huysmans is Roe, 2004). From this perspective, attempts to focus the public’s attention on Omar the individual citizen or child, and not his family, were strategically meant to articulate his insecurity and need for assistance. Such narratives read, for example, that a fifteen-year-old Canadian, badly injured in a firefight, was being held without charge and interrogated in a foreign U.S. detention centre with adults. This careful summation of Omar’s circumstance was repeated time and again through out his detention. But within newspaper articles, such summations do not stand-alone but are emplotted within larger narratives of security and insecurity. As has been demonstrated above, these overarching themes can intensify acceptance of some insecurity claims, while subduing others, depending on where they are situated between securitizing actors and their audience.

As is often the case (Waever, 2005), attempts to securitize at the level of the individual leaves the individual’s identity vulnerable to being picked up and located, intentionally or not, within broader societal security debates. Thus ‘Omar’ and individual characteristics of his identity - such as his age, legal status, and Guantanamo detention - were invoked and deployed resourcefully by advocates who worked to address broader collective concerns: e.g. Canadians detained abroad; Guantanamo Bay detainees; Canadian-child- citizen; and of course, child-soldiers. In essence, ‘Omar Khadr’ became a signifier for a wide range of insecurities. Though successful campaigning within any of these calls-to-action would or could have responded to some aspects of Omar’s
insecurity, their inability to singularly or aggregately capture Omar’s situation or speak to his experiences of threat or his present state, meant that each designation worked to veil a vital aspect of Omar’s insecurity.

It is the work of collective identities to subjugate individual identities under the umbrella of a dominant overarching self, thus each of the above-mentioned security narratives associated with Omar discursively drew attention to key threat identifications but ignored others. For example, the status of a ‘Canadian detained abroad’ highlighted Canadians’ right to government protections, but hid Omar’s expulsion from social citizenship; ‘Guantanamo Bay detainee’ status highlighted the discriminatory nature of detention, but does not address his being treated as an adult; and the status of being a Canadian-child-citizen, situated him within the parameters of the rights of children within the Canadian juvenile justice system, but failed to recognize the conditions of his alleged crime and capture.

In each of the above advocacy narratives, a referent object is defined by a shared and identifying quality, a sameness, of the larger group that symbolically enables the possibility of ‘a socially powerful argument that this “we” is threatened’ (Buzan 1993, 123). But in order for this to be successful, the threatened quality must set itself aside from other referent objects, such as nationality, religion, race, age (Hansen, 2000). In Hansen’s (2000) research on threatened women in Iran, she finds that gender security problems often involve ‘an intimate inter-linkage between the subject’s gender identity and other aspects of the subject’s identity, such as nation, religion, ethnic, family, and gender (Hansen 2000). Yet the women cannot be advocated for through a combination of identifications. This is exemplified in the ways in which multiple identities were invoked to securitize Omar but none were able to present Omar within the complexity of his lived experience and context. Though Omar’s age-identity can be seen as inter-linked to other aspects of his identity, these could not be advocated for fully in their complexity.

This issue was most pronounced at its most promising impasse. At the level of the
individual and societal security, the designation of ‘child soldier’ is an important designation as there are few vehicles provided to children to access a distinct collective identity on the international stage that can be constructed as a ‘we’ identity. Within the spirit of this framework, the context of Omar’s capture and his age could have automatically nominated him for international protections, regardless of his name, religion, and teenage loves. Though it is unclear why the Canadian government withdrew its support for this designation, this action in its effects: first, expunged Omar from the community of child soldiers, i.e. Canada’s failure to uphold Omar’s designation as a child soldier symbolically conveyed to the public and international community that either something disqualified him from this protective status, or that the political or legal mandate for the recognition of something like a child soldier statue faltered or did not really exist (universally) at all. And second, created the grounds for Omar’s expulsion from his civic belonging, i.e. in the absence of a government frame, Omar was located as a rights-bearing Canadian citizen. This opened Omar up to multiple media and audience-based exclusionary frames of citizenship – i.e. terrorist, bad immigrant, accidental citizen, indoctrinated jihadist, and threatening Other - leaving him vulnerable to representations of being ‘wanting’ and deserving of citizen’s Other status.

Additionally, and ironically, the protective status of ‘child soldier’ also worked to exasperate Omar’s insecurity. As the child soldier is not afforded a position from which to speak, the child must rely upon being nominated for protection by adults, and as such, is located within the child/protector dichotomy where conceptions of the child as innocent and without autonomy are the criteria for their being deemed deserving and in need of assistance. As Daiva Stasiulis (2002) demonstrates, in its immigration practices, Canada routinely fails to uphold its international commitment of acting in the best interests of children when they fail to qualify as victims. This is illuminated through her analysis of the decision-making of Canada’s Immigration and Refugee Board as it relates to teenage asylum seekers who –having advanced beyond the ‘tender years’ of innocent
childhood - are judged to be ‘elder minors’ or ‘non children’ and thus subject to judgments of childhood ‘that treats as antinomies “protection” and “volition”’ (Stasiulis, 2002: 522). Thus in practice, Stasiulis (2002) finds, as do I in the case of Omar Khadr, that despite its international reputation as an advocate for children, Canada and Canadians are not only willing to deny vulnerable ‘mature’ children the right to protection ‘at a time when they need it most’ (Stasiulis, 2002), but also rationalize these decisions in such a way as to sustain an overarching image of Canada as a ‘good’ global citizen.

That Omar’s age failed to nominate him for any collective status other than child soldier, tells us that ‘age-identity’ was a core determinant of Omar’s insecurity as it denied him a space to speak his sameness, as within a collective, or his difference, as an individual. While a child soldier designation is an attempt at a securitization in the positive ‘which articulates the identity of [children in armed conflict] as the unambiguously privileged category’ the problem is, as Butler (2006: 49) put it, and I paraphrase:

If one ‘is’ a [child or child soldier], that is surely not all one is; the term fails to be exhaustive, not because an [child or child soldier] ‘person’, for example, transcends the specific paraphernalia of its age, but because [childhood] is always constituted coherently or consistently in different historical contexts, and because [childhood] intersects with racial, class, ethnic, sexual, and regional modalities of discursively constituted identities. As a result, it becomes impossible to separate out [childhood and conflict] from the political and cultural intersections in which they are invariably produced and maintained.

Because Omar was determined to be failing in his qualification as a child soldier, ‘age-identity’ was effectively removed as a viable securitizing frame despite the fact that his age at capture or detention was ubiquitously referenced in most examined texts.

A final and core question relates to what this research tells us about the possibility of securitizing in the positive, at the level of the individual. To answer this question one must look to it in terms of both practice and research implications. As has been demonstrated in cases such as Maher Arar, when an individual’s insecurity becomes the referent object of collective concern, positive securitizations of the individual can and do
work, though such cases rarely arise.

In terms of being an object of analysis, however, attempts to securitize individuals, as in the cases of Maher Arar and Omar Khadr, as well as Adbullah Almalki, Ahmad Abou-El Maati, Muayyed Nureddin, Abduraham Khadr, Abousufian Abdelrazik, Aly Hindy, and Suaad Mohamme, each provide fascinating examples of how individuals come to be security targets due to some transgression of particular social and political norms. As these cases demonstrate, the inter-linkage of threat and race, threat and age, threat and belonging, means that, as Hansen (2000) argues, ‘one cannot appropriately identify these cases as examples of individual security’. Each individual’s nomination for insecurity is ‘deeply connected to their inscription within an inferiorized collective (i.e. racial and/or age-identity). While in cases such as these, issues of ‘Islamaphobia’, anti-Muslim racism, and culturalisation, i.e. the cultural analysis of inequality and discrimination (Kofman, 2005) dominate academic discourse, the issue of ‘age-identity’ as a central determination of insecurity has been largely ignored or openly determined to be less significant. Therefore, a significant finding of this research is that in Canada the case of children’s insecurity and in the advocacy for children’s rights, ‘the double demand for equality and difference appears to have outrun our existing political vocabularies’ (Hall, 2000: 28). In this sense, Omar’s insecurities can be seen as predating the events of 9/11 or the events of his capture or detention.

7.4 Research Limits

One of the most significant limits of this research, however inevitable, is found in the decisions I have made to highlight some securitization narratives and contexts over others. As addressed at the start of Chapter Three, research is necessarily political in the sense that its constructs knowledge through processes of interpretation, representation and privileging. Thus, I have worked to tell a story and in so far as storytelling is an interested act with intention and purpose it cannot be seen as objective. No single narrative can ever be considered total or complete (Campbell, 1998). I have read from a
wide variety of sources and chosen arguments and documents across materials and sources and have presented select representations of those arguments based on determinations of relevance, distillation of key points, and authoritative sources. Additionally, considerations pertaining to economy of space and time in the construction of a dissertation were also taken into account. Ultimately, the interpretive role and responsibility of the analyst is to contextualize discursive events within the wider narrative of social meaning and political externalities and to determine which contexts are relevant and why.

While the inclusion of other relevant events or different documents would add more insight to the securitizations presented, it is necessary to add that, first, there is always more to be added. The adoption of a constructionist understanding of events and the execution of an interpretive analysis of the data necessarily means accepting that the research cannot be total or all encompassing. Additionally, due to the demands of rich description and close textual analysis which is very time consuming, only a limited number of resources can be analyzed at this level and presented, though I do try to reference other important material or sources for those interested in furthering this research.

Second, contrary to traditional approaches to securitization with its emphasis on speech-acts and the internal logic of the process, I have argued and present in this research, the significance of the interrelationship between foreign and domestic policy, security and citizenship, cultural values and referent objects, policy and practice, and the circulation and effacement of security narratives. Additionally I present the discursive interconnectivity between securitizations themselves, the importance of context in understanding processes of securitization, and point to how designations of threatened and threatening, deserving and undeserving, citizenship and jettisonship are strategically and selectively communicated, deployed, challenged, co-opted and re-circulated. Thus the desire to want more context, to include more variables, more examples, and more
documents can be interpreted as an achievement of this thesis. For an underlying assumption of this research was to demonstrate the importance of context for establishing the meaning and possibilities of securitizing moves and is part of this project’s contribution to securitization theory.

A third limit to this study is inherent to case study research. While case studies are the preferred approach for the study of securitization, it nonetheless means that my findings are not generalizable and that others studying this case may see different contexts as significant or offer different interpretations of the same events. That being said, it is not the purpose of this type of research to develop general knowledge that can be proven or applied to all cases. On the contrary, this research aims to provide rich and holistic accounts of identified securitizations of Omar Khadr in order to expand the readers’ experience of the case and its contexts and to offer avenues for future veins of research in the field in support or in opposition to my findings.

And finally, as introduced in Chapter Two, this research fails to incorporate French Canadian narratives of citizenship or national belonging, and does not explore the discourses surrounding Omar as presented in Francophone texts. Therefore any presentation of Canadian national identity or collective narratives emerging from this research must be understood in relation to this significant absence in the research.

7.5 Research Contributions and Avenues for Future Research

This research has presented a number of contributions to the fields of communication, securitization theory and national identity. It also presents some new avenues for future research.

First, as a theory-making approach to research, this project demonstrates that ‘age’ as much as gender, race or religion adds a crucial layer to understanding how Omar Khadr’s identity as threat was constructed, disseminated and accepted, and how alternative discourses were ignored or treated as irrelevant due to Khadr’s age. Likewise, in this research I demonstrate that ‘age-identity’ is an overlooked yet potentially integral
component to in/security-making. Thus future critical security scholarship would benefit from looking to age-identity and it’s capacity to nominate some individuals for both security and insecurity…even in Canada.

Second, though the Copenhagen’s School conception of securitizations focuses on security claims made by authoritative political actors in order to enact exceptional responses, in the case of Omar Khadr, however, one finds that exceptional enactments of ‘non-action’ can also constitute a securitizing act. As discussed above, the Canadian government’s failure to advocate for Omar, its surprising non-action in light of Canada’s international advocacy for child-soldier, became a significant facilitating condition for the success of negative securitizing moves. Thus, this research finds government non-action, which breaks with the norms of expectation, can in particular circumstance itself constitute a negative securitizing move.

A third contribution of this research is the way that the examined securitizations recontextualizes and troubles already existing narratives concerning Omar’s case by returning to the pivotal but relatively quiet debates emerging between 2001 and 2005. Over the years of the Harper government, the divide in public opinion concerning Omar Khadr, as presented by the media and much academic literature, is understood as one divided along party lines. These debates find the conservative government’s PS agenda justifying its resistance to repatriate Omar Khadr, opposed by the political left who promote a HS agenda and advocate for a return of Canada as a global moral compass. However, as my research shows, in the early years of Omar’s detention, the divide in public opinion was less a reflection of partisan politics as an exercise in identity and community construction in an age of terrorism that played out along side debates pertaining to its juvenile justice legislation and subsequently the nature of childhood.

Fourth, while the original securitization framework is helpful in capturing the importance of discursive interventions in positioning issues as security threats, it is less effective in addressing the broader context of these interventions. As this research
demonstrates, addressing the embeddedness of security discourses within socio-linguistic and socio-political contexts is important for understanding how particular frames of threat determine and resonate with particular communities. Although relevant literatures on changes to Canadian citizenship, for example, look to ways in which the rights of Muslim and foreign nationals have been ‘re-designed’ since September 11, 2001 (Doty, 1996), my research looks to the emergence of particular concomitant policies (e.g. Anti-Terrorism Act, the Youth Criminal Justice Act) and practices (e.g. racial profiling and the prosecution of youth as young as 14 as adults) as discursive vehicles which symbolically deploy meanings of belonging and exclusion, inside and outside, and thus contribute to the ‘felicity conditions’ (Buzan et al., 1996) for some securitizations to be accepted, countered and/or denied.

And fifth, the prominent literatures pertaining to the case of Omar Khadr reveal a wide range of concerns and conclusions. But based on my review of the literature, this research is the first to focus on it through a securitization theory framework or with a concern for the implications of positive vs. negative securitizations and individual vs. collective security. I see my dissertation as only the beginning of a broader project that would take this analysis beyond the years of the Liberal government and through the entire years of Omar’s detention, both in Guantanamo and in Canada.

7.6 Conclusion

My primary research question for this project was: What enabled Omar Khadr to become a ‘jettisoned’ citizen of Canada? According to the Merrian-Webster dictionary, the definition of ‘jettisoned’ is ‘to get rid of as superfluous or encumbering : omit or forgo as part of a plan or as the result of some other decision’. But unlike a ship or a plane, a native-born youth citizen of Canada cannot simply be dropped like cargo in order to ‘lighten’ the load in a time of distress. Returning again to Judith Butler (2007: 31), ‘one is not simply dropped from the nation; rather, one is found to be wanting and, so, becomes a "wanting one" through the designation and its implicit and active criteria’.
Canada’s unwillingness to advocate effectively for Omar Khadr as a child soldier or to insist that he receive special treatment in consideration of his age is argued by scholars like Nessa Lynch (1989) to be symptomatic of Canada’s failure to institutionalize the underlying values and principles of the CRC and OP at home. As the above discussion details, for many Canadians - politicians and laity alike - the value, credibility and coherence of the Liberal government’s human security agenda began to falter in the aftermath of 9/11. This was evidenced through the emergence of a PS policy agenda that was at once, put upon the Canadian government as it attended to U.S. security demands and its own national interest, but also predated the events of 9/11. The seeds of insecurity, both in terms of Canada’s safety and its capacity to be seen as a legitimate and moral leader in light of the Global War on Terror, found fertile ground in the ideology and leadership of the Progressive Conservative Party and Canadian Alliance who had long espoused the need for Canada to take its security and its partnership with the United States seriously. With Canada’s significant participation in the war in Afghanistan, the PS’s situating of Canada’s history as one rooted in military pride and prowess confronted Canadians with a credible and salient national narrative whose relevancy appeared increasingly self evident.

Though the Copenhagen School typically treats national identity as a fixed entity, this research shows that one cannot make sense of the early years of Canada’s response to Omar Khadr without addressing the impact of 9/11 on Canadians’ sense of what it means to be Canadian, and who is allowed to speak to their ‘Canadian-ness’. As Duffield (1999) argues, dramatic events or traumatic experiences such as 9/11 can be potential catalysts for cultural change as they threaten or ‘discredit thoroughly core beliefs and
values’ (Duffield 1999: 23). But the implications of such events, related responses, and their impact on ‘core beliefs and values’ are not likely to be felt overnight. Fueled by psychological stress and uncertainty, such changes reflect processes of resocialization involving participation and resistance by various groups in the crafting of a compromise on a new political cultural orientation (Duffield 1999). As this project has explored, an equally important question is whether or not a country and its citizens perceive its normative commitments to the international community to be incompatible with its own emerging internal security principles, policies and practices (Lynch, 1989). While Canada’s human security agenda was not dismissed in the immediate aftermath of September 1 2001, it was significantly downgraded (Axworthy, 2003). For Audrey Macklin, the case of Omar Khadr exemplifies what happens when ‘a diffident response to appeals for [diplomatic] protection expose[s] the flimsiness of certain individual's citizenship’ (Macklin, 2007: 362). Like Butler, Macklin wants to locate the ‘some of us’ that advance on the position of statelessness, but as the citizen-alien nexus implies, the domain of diplomatic protections is not one of state discretion alone.

As Butler puts it, ‘The state can put us, some of us, in quite a state’ (Butler 2007: 3-4). But such processes of exclusion are both engendered by and enacted intersubjectively through the media, legislative debates and declarations, policies pursued, identities invoked, public reactions prompted, and the sense of belonging/exclusion felt by individuals and collectives. Omar Khadr, therefore, constitutes a valuable research subject, not only because his case demonstrates the interconnectedness, or intertextuality, of diverse domains of citizenship and security discourses, but also because it provides ‘an opening’ for what C.G. Anderson (2007) calls
‘an exploration of the nature of the political community and the principles that define political life in Canada’ (Anderson 2007: 81). Thus, along side Forcense’s question to the state, which asks: In what circumstance would Canada itself incur responsibility for mistreatment inflicted by a foreign state? I offer that a question directed at a community’s social limits should also be asked: In what circumstance would Canadians themselves incur responsibility for the mistreatment inflicted upon a 15-year-old Canadian born citizen?
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## Appendix A

Article Frequency in Selected Newspapers: 2002-2012 and Corpus of Articles Examined

**TABLE 1**  
**ARTICLE FREQUENCY IN SELECTED NEWSPAPERS: 2002-2012**  
*Includes articles, editorials and letters-to-the-editor that mention 'Omar Khadr' in text*

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<td><strong>864</strong></td>
<td><strong>2,210</strong></td>
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</table>
Appendix B

Frequency of Articles by Genre: 2002-2005

Table 2

<table>
<thead>
<tr>
<th>Newspaper</th>
<th>Year</th>
<th>News Reporting</th>
<th>Editorials</th>
<th>Letters-to-Editor</th>
<th>Other*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Globe and Mail</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>12</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
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<td>1</td>
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<tr>
<td>2005</td>
<td>19</td>
<td>3</td>
<td>9</td>
<td>5</td>
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<tr>
<td><strong>National Post</strong></td>
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<td></td>
<td></td>
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<tr>
<td>2005</td>
<td>33</td>
<td>1</td>
<td>3</td>
<td>0</td>
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<tr>
<td><strong>Toronto Star</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2002</td>
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<tr>
<td>2005</td>
<td>25</td>
<td>12</td>
<td>11</td>
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</tbody>
</table>

*Includes news summaries, quotes of day, media highlights, photo descriptions.

Table 2: Frequency of Article Types: 2002-2005
Appendix C

Principle Subject Frame of News Articles Referencing ‘Omar Khadr’

Table 3

<table>
<thead>
<tr>
<th>PRINCIPLE SUBJECT FRAME OF NEWS ARTICLES REFERENCING ‘OMAR KHADR’</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL NEWS ARTICLES</td>
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<tr>
<td>---------------------</td>
</tr>
<tr>
<td><strong>2002</strong></td>
</tr>
<tr>
<td>The Globe and Mail</td>
</tr>
<tr>
<td>National Post</td>
</tr>
<tr>
<td>Toronto Star</td>
</tr>
<tr>
<td><strong>2003</strong></td>
</tr>
<tr>
<td>The Globe and Mail</td>
</tr>
<tr>
<td>National Post</td>
</tr>
<tr>
<td>Toronto Star</td>
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<tr>
<td><strong>2004</strong></td>
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<tr>
<td>The Globe and Mail</td>
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<tr>
<td>National Post</td>
</tr>
<tr>
<td>Toronto Star</td>
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<tr>
<td><strong>2005</strong></td>
</tr>
<tr>
<td>The Globe and Mail</td>
</tr>
<tr>
<td>National Post</td>
</tr>
<tr>
<td>Toronto Star</td>
</tr>
</tbody>
</table>

*Other context frames include terrorism/terrorists in Canada, detention and legal issues relating to Guantanamo Bay, other cases of detained Canadians by the U.S., and international relations and trade.

** 2002 articles categorized as ‘Omar Khadr’ articles should be understood as intertwined with Khadr Family frames, which served as a central point of reference in most articles.
## Appendix D

Securitizations of Omar Khadr: Summaries

<table>
<thead>
<tr>
<th>Securitizations</th>
<th>Facilitating Context</th>
<th>Securitizing Actor</th>
<th>Referent Object</th>
<th>Empowering Audience</th>
<th>Dominant National Identity Discourse</th>
<th>Level of the Security Claim</th>
<th>Positive or Negative</th>
<th>Successful or Failed or Countered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Securitizing 'Muslims and Arabs'</td>
<td>U.S. security demands</td>
<td>Canadian parliament and senate</td>
<td>Muslims and Arabs (vs. Canadian secular values)</td>
<td>Canadian policy makers</td>
<td>Public Safety</td>
<td>Radical vs. Secular; Civilized vs. Other</td>
<td>Societal</td>
<td>Negative</td>
</tr>
<tr>
<td>3. Securitizing 'child soldier'</td>
<td>CRC and OP</td>
<td>Canadian government</td>
<td>Omar Khadr as victim (vs. Omar as victimizer)</td>
<td>U.S. government</td>
<td>Human Security</td>
<td>Responsible vs. not responsible</td>
<td>Individual</td>
<td>Positive</td>
</tr>
<tr>
<td>4. Securitizing 'terrorist'</td>
<td>Canada/Khadr history</td>
<td>The media</td>
<td>Omar as Khadr (vs. Omar as Canadian)</td>
<td>Canadian public</td>
<td>Public Safety</td>
<td>Exploitive vs. loyal; unworthy vs. worthy</td>
<td>Societal</td>
<td>Negative</td>
</tr>
<tr>
<td>5. Securitizing the citizen's Other</td>
<td>Mahdi Arar vs. Khadr family</td>
<td>The media</td>
<td>Good immigrant (vs. bad immigrant)</td>
<td>Canadian public</td>
<td>Public Safety vs. Human Security</td>
<td>Worthy vs. unworthy; good vs. bad</td>
<td>Societal and Individual</td>
<td>Negative and Positive</td>
</tr>
<tr>
<td>6. Securitizing the Canadian young offender</td>
<td>Youth Criminal Justice Act</td>
<td>The public and media</td>
<td>Dependent child (vs. autonomous child)</td>
<td>Canadian public</td>
<td>Public Safety vs. Human Security</td>
<td>Age vs. crime; autonomous vs. dependent; participation vs. protection</td>
<td>Societal</td>
<td>Negative and Positive</td>
</tr>
</tbody>
</table>