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Talking About Terrorism: An Analysis of Official Canadian Insecurity Narratives in the Post-September 11 Context

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List of Acronyms

AGC	Attorney General of Canada
CAIR CAN	Canadian Council on American-Islamic Relations
CBSA	Canadian Border Services Agency
CSIS	Canadian Security Intelligence Service
DFAIT	Department of Foreign Affairs and International Trade
DOJ	Department of Justice Canada
DND	Department of National Defence
IACP	International Association of Chiefs of Police
PSEPC	Department of Public Safety and Emergency Preparedness Canada
OCIPEP	Office of Critical Infrastructure Protection and Emergency Preparedness
PCO	Privy Counsel Office
PHAC	Public Health Agency of Canada
RCMP	Royal Canadian Mounted Police

Abstract

This study identifies the dominant characteristics of official Canadian state discourses on national security and terrorism in the post-September 11 context, using a content analysis methodology; identifies key themes and / or areas of incongruity in these discourses, and relates these findings to a broader discussion of contemporary Canadian national security policy and practice. Major themes of interest and key terms are identified through a review of the literature, and used as the basis for an analysis of twenty (20) samples of open-source official (federal government) Canadian discourse from the post-September 11 context. It is argued that state discourses about terrorism and security are a core component of national security campaigns, and that through the construction of **insecurity narratives** (constellations of discourse about a particular security threat), states effectively '**do national security**'. The study finds that the current Canadian insecurity narrative is characterized by themes of exceptionality, urgency, necessity, secrecy, and crisis – and consistent references to September 11 as a mobilizing event. The nature of this narrative is such that the current national security campaign is indeterminate in length, ambiguous in purpose, and expansionary in trajectory.

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- Mike Larsen, 2006

1. Introduction

1.1 September 11: A Point of Departure

In *Discipline and Punish*, Foucault (1975/1995) undertakes a comprehensive analysis of the historical, political, and scientific events that eventually gave rise to the modern prison. At the end of his discussion, he proposes that, if one had to select the date the modern carceral system was completed, it would be January 22, 1840, with the opening of the Mettray prison (Foucault, 1975/1995, p. 293). Foucault comes to this conclusion having carefully reviewed a significant amount of historical data, and his decision to single out the opening of Mettray is a retrospective and symbolic one; it is doubtful that those involved in the opening of this facility thought of it as something of historical significance, and Foucault's choice to do so is the result of an examination of historical facts.

If we can establish the significance of January 22, 1840 in the history of penology, what can we say about the events of September 11, 2001? Will genealogists look back on September 11, 2001 and describe it as the 'completion' of a historical trend, the beginning of a new one, or a moment within a trend that continued afterwards? A common feature of political, national security, and risk management discourses since 2001 is the recognition of September 11 as a point of departure, a moment of dramatic change (Baudrillard, 2003; Beck, 2003; Derrida in Borradori, 2003; Coady, 2004; Dedeoglu, 2004; Rudner, 2002; Stevenson, 2001; Van Munster, 2004). Immediately following the September 11, 2001 attacks, commentators, politicians, and lawmakers pronounced that a new 'era' had dawned, and that things would necessarily be different from now on. Current policy documents – the Canadian national security policy, the

American national security policy, and the British anti-terrorism policy, for example – describe the current period as the 'post-September 11 context', and they use this term matter-of-factly, as though its nature and implications were evident.

Here then, the significance of the opening of the Mettray institution differs from the significance of the September 11 attacks; while the importance of the former was proposed retrospectively by Foucault (after rigorous research and with the benefit of historical distance), the importance of the latter has been **assumed** automatically by the majority of the Western public, political sector, and security services. Moreover, when Foucault discusses the significance of Mettray's opening (even if it is a symbolic significance), he does so in relation to a particular phenomenon, that being the emergence of the modern prison. The exact nature of September 11's significance, by comparison, cannot be reduced to a single field or trend. Indeed, as Baudrillard (2003, p.52) notes, there are many who believe that September 11 changed *everything*.

Such a thesis has as much to do with the role of the United States in a globalized world, and the influence that America is able to exert over other states militarily and economically as it does the nature of the September 11 attacks themselves. While the particular details of the attacks on New York and Washington were unprecedented in the history of terrorism (they were the largest terrorist attacks on the United States, the largest example of aviation-related terrorism, and, most importantly, the largest terrorist events captured on film and broadcast in real-time), their significance, and the source of claims that they changed everything, is better understood at the level of symbolism. They demonstrated the domestic vulnerability of the world's only superpower, shattering the assumption that geographic isolation and two friendly borders would insulate America

from external conflicts. This symbolic challenge to America's security, coupled with the status and influence of the United States in processes of global governance, set the stage for an extensive – and contagious – response. In the days and weeks that followed, the September 11 attacks were transformed from American events to the source of an international process of re-ordering grounded in a perceived **need** to increase security. Or, to put it more succinctly, the September 11 attacks on the United States became understood as attacks on all 'democratic nations'. The September 11 attacks took place in the United States, and American financial and military institutions were the symbolic targets; in this respect, September 11 was a distinctly American event. But comments about the changed nature of the post-September 11 context are not restricted to America; characteristics of the attacks, the target nation, and its response meant that the event has had ripple effects across the globe. Globalization has ensured that events and their impact rarely occur in isolation, and this interconnectedness is amplified when American interests are involved (Beck, 2003).

The argument that September 11, 2001 heralded a historical paradigm shift is not limited to general observations that 'everything has changed,' contemporary discourses on security are populated by a number of parallel assertions, each establishing the attacks as a point of departure. Reinhard Duessel (2002), for example, adopts the term 'The New Normal' (or 'new normalcy') to conceptualize the post-September 11 context, which he describes as the result of 'history splitting'. He proposes that September 11 was *"in fact, one of those moments in which history splits, and we define the world as "before" and "after"* (Duessel, 2002, p. 1, emphasis in original). Duessel's assertion that history split on September 11, 2001 is not uncommon among commentators on security, nor is his

adoption of the term 'new normalcy' to describe the post-attack state of affairs. The term was originally used in the context of national security by an aide to US President Eisenhower in 1953, who wrote in a memo that the administration's goal should be to persuade the public that they were living in a new and indefinite age of peril (Chernus, 2002). Following the events of September 11, current US Vice President Dick Cheney re-introduced the term, and the concept of a 'new normalcy' into contemporary security discourses, by proposing that "The way I think of it, it's a new normalcy ... it may never end, [at] least, not in our lifetime," and that changes to lived reality brought about by post-September 11 security measures "will become permanent features in our ... way of life" (Serfaty, 2002, p. 212).

A significant number of commentators, politicians, and academics would have us accept the 'history-splitting' nature of September 11, 2001 and the resultant dawn of an interminable 'new normalcy' **as facts**, and move on from this starting point without further reflection. In many ways, this position has become dominant and unquestioned throughout the public sector, and terms such as 'new normalcy', 'new reality', and 'a new type of war' have become components of our day-to-day lexicon. By accepting these discourses without careful scrutiny, however, we overlook the socio-political context from which the September 11, 2001 attacks emerged, as well as the ideological forces that underlie their dominant interpretations (and thereby risk rendering the attacks 'ahistorical', as discussed in Section 7). As Duessel (2002) acknowledges, historical splits are not experienced directly by the public, but rather through a process of interpretation.

One interpretation of the September 11, 2001 attacks (exemplified by comments like those of Cheney) would propose that their very nature resulted in 'history splitting'; another, more nuanced interpretation would propose that history did not split as a result of the attacks, but that ideological interests used the attacks as a vehicle to effect an interpretive split in history. The political success of the former interpretation is evidence of the power of language, and of discourse, as the shapers of belief and understanding related to security, terrorism, and risk. The declaration of a 'new normalcy' in discourse has manifest implications for policy, as do other charged claims about the contemporary security environment. By unpacking and examining these discourses, and their contextual background, we can arrive at a more comprehensive and in-depth understanding of the processes that underlie current security practices.

It is presently beyond the scope of a single study to address the question 'what was changed as the result of the September 11, 2001 attacks?' in sufficient detail, particularly if we mean to include all stakeholders in our analysis. By focusing the question and narrowing the field of inquiry, however, it is possible to address a smaller component or nuance of this larger question. This study deals with such a nuance, specifically Canadian discourses on security and terrorism in the post-September 11 context. September 11, 2001 serves as a definite point of departure as regards global discourses on terrorism, not only due to the emergence of sweeping statements regarding 'history splitting', 'everything changing', and the dawn of a 'new normalcy', but through more subtle shifts in language and ideology.

While many scholars debate whether and to what extent the *practice* of terrorism has changed following the events of September 11 (Baudrillard, 2003; Borradori, 2003;

Ignatieff, 2004; Rudner, 2002), there can be little doubt that *discourses* on terrorism have increased in prevalence and importance since the attacks. 'Terrorism' has become a familiar subject of nightly news reports as well as newspapers, many nations have become involved in the US-led "war on terror", and governments have responded to 'the terrorist threat' by enacting new anti-terror legislation and national security policies. Accompanying (and indeed driving) the changes in policy and legislation have been related shifts in the dominant discourses on terrorism and national security. These discourses have been characterized by themes of heightened risk, imminent threat, a clash between good and evil, the **need** to respond to terror with increased vigilance and resources, and a general sense of insecurity.

Since September 11, 2001, we have been saturated by claims, from politicians, 'experts', and the media, that support the 'new normalcy' and 'history splitting' interpretation. In general, discourses on security and terrorism within the public sphere have multiplied tremendously, and themes of heightened and unprecedented risk, imminent threats, and fifth columns are popular within editorials and the academic literature. An ideology of insecurity has emerged - or perhaps re-emerged after a post-Cold War slumber - and with the tools and impetus provided by the advances of technology, the compression of space and time that Virilio (1998:2000, p. 7) describes as a component of globalization, and the emergence of a single superpower, it has become dominant. With sufficient repetition, we come to accept the narratives of security and insecurity as reflections of historical fact. It is not uncommon for political and media discourses on terrorism in 2005 to imply that September 11, 2001 was the de facto start of a 'new normalcy', without reviewing the arguments that would support (let alone

refute) such a thesis. It is difficult to identify the exact moment when it became largely unnecessary for claims-makers to articulate the case for a 'September 11 as paradigm shift' interpretation, but I would propose that the ideology of the 'new normalcy' was becoming entrenched before the ashes of the World Trade Centers were cool, and not by accident. It did not take long for the Western public to make the transition from enraptured consumers of discourses on the 'new normalcy' to capable narrators of this thesis in their own right, and once the assumption of a 'historical split' became internalized and assumed, it became – and remains – resilient to challenges and criticism.

Of course, this thesis was in no way limited to America, and political discourses, policies, and legislation grounded in the ideology of a factual 'new normalcy' emerged throughout the world. In this way, the 'new normalcy' envisioned by Cheney et al has indeed come into being. But we need to be critical about the manner in which this has occurred: while Foucault's (1975 / 1995) observations of Mettray's opening as a penal point of departure are illustrative of a discourse that emerged from the careful collection and examination of historical facts, the proponents of the 'new normalcy' have used discourses to produce historical facts. While there are merits to both inductive and deductive forms of reasoning, the ideological production of discourses that herald an emergent and indefinite era of fear, suspicion, and insecurity, surely warrants close consideration and questioning (Sunstein, 2005).

This latter concept, insecurity, is at the heart of post-September 11 narratives. It is possible to locate contemporary political claims and discussions of terrorism and threat within a larger set of narratives about security and insecurity that have become dominant over the last four and a half years. The concrete changes in policy and practice that have

taken place in response to post-September 11 terrorism have been explained by authorities as necessary measures to increase national security in increasingly insecure times. Security narratives have played similar roles throughout history, for example during the Cold War, but the current context is unique in that these narratives have expanded into previously distinct realms of discourse. For example, Canada's first national security policy, developed in response to September 11 and released in 2004, adopts an 'all hazards' approach to national security. Terrorism plays a central role in the policy, but the document also addresses the threats posed by pandemics and natural disasters (and bioterrorism and 'human-induced disasters'). The effect of this coupling has been a general expansion of the national security mandate, such that local police forces and transit authorities, the new Canadian Border Services Agency, and Health Canada are all engaged in national security activities, alongside CSIS, the RCMP, and the Canadian Armed Forces. To understand and contextualize these changes in policy, it is necessary to examine the changes in discourse that have accompanied them.

The study of discourse and claims-making runs as a thread across a number of academic disciplines, including criminology, sociology, political science, linguistics and philosophy (Weinberg et al, 2004). The purpose of this line of inquiry is to establish the relationship(s) between what we say about something and how we react towards it. At a deeper level, social constructivists propose that our understanding of phenomena is entirely dependent upon the meanings we assign to them through discourse. Given the ambiguous and politically-charged nature of 'terrorism' and 'security' as concepts, it is particularly important for us to understand the nature of discourses on these subjects. Accordingly, **this study identifies the dominant characteristics of official Canadian**

state discourses on national security and terrorism in the post-September 11 context, using a content analysis methodology; identifies key themes and / or areas of disagreement in these discourses, and relates these findings to a broader discussion of contemporary Canadian national security policy and practice.

In many ways, this research reflects a fascination with the relationship between actions and discourses in the post-September 11 context, and a broader fascination with process of reality construction and claimsmaking. A review of any political speech, law, or policy document related to security over the last four and a half years will almost certainly produce examples of powerful assertions about the nature of terrorism, and a descriptive vocabulary that draws upon the unique themes of the post-September 11 context. These texts and themes have accompanied and, as it is argued here, facilitated unprecedented changes in policy and changed the meaning of the concept of security. The current 'war on terror' is, after all, as much a war of words as it is a war of actions, and the words being employed reflect underlying assumptions and positions that need to be deconstructed and subjected to careful scrutiny.

1.2 On Terminology: '9/11' or 'September 11, 2001?'

Throughout this work, the events of September 11, 2001 are referred to as just that: the events of September 11, 2001. There are a number of reasons for this, the primary one being the desire to avoid employing uncritically the symbolic imagery that has already become associated with the term '9/11'. While 'September 11, 2001' and '9/11' essentially refer to the same events – the attacks on New York and Washington – the latter term seems more often than not to be associated with the discourse of the 'new

normalcy'. That many changes have followed from and in relation to the events of September 11, 2001 is unquestionable, and for lack of a better descriptor, history may indeed recall the events through the use of the word-symbol '9/11'; but nearly five years of continuous talk and media coverage seem to have made the term 'nine-eleven' uncomfortably available in our contemporary lexicon.

It was almost inevitable that the events in question would become attached to a simplistic referential term by the media, politicians, academics, and the public at large. As soon as the nature of the attacks became known, there was a tremendous move to mobilize them as an Event (as discussed by Baudrillard, 2003, p.4), in order to justify certain actions and interpretations. In the immediate aftermath of the attacks, it was unnecessary to reach for a simple descriptor, as they dominated both the news and conversations. As time progressed, however, it became desirable to give the events a Name, to make them part of a single event that could be referred to later. '9/11' seemed to be the name arrived at almost by consensus, given its simplicity and its significance as a universal Western emergency telephone number. Referring to the date – as opposed to the nature of the events – allows commentators to circumvent a few challenges. For one, it allows what was really a series of events to be wrapped into a single symbolic-referential event, which is advantageous to those who would mobilize '9/11' as an historical point of departure. Additionally, it serves to signify the events of September 11, 2001, and to evoke the emotions associated with those events, without getting too specific about what actually happened in the United States that day. In other words, '9/11' is a terminological 'box', whose contents need not be fully understood for it to be

employed, referred to, and understood – in a fashion. Derrida acknowledges the significant problem of naming associated with the events of September 11, 2001:

> September 11, le 11 septembere, September 11. The brevity of the appellation (September 11, 9/11) stems not only from an economic or rhetorical necessity. The telegram of this metonymy ← a name, a number – points out the unqualifiable by recognizing that we do not recognize or even cognize, that we do not yet know how to qualify, that we do not know what we are talking about. [...] something took place on September 11, and in the end we don't know what. For however outraged we might be at the violence, however much we might genuinely deplore – as I do, along with everyone else – the number of dead, no one will really be convinced that this is, in the end, what it's all about" (Derrida, in Borradorri, 2003, p.p. 86-87)

What other name could we use to describe the events of September 11, 2001? 'Attack on America' would work, but then it would be more difficult to refer to use it as a global mobilizing event, justifying policy changes in Canada, Britain, Australia, and elsewhere. 'Attack on the Twin Towers' is occasionally used by commentators and analysts, and it is true that the images of the World Trade Center burning and collapsing serve as the most evocative visual reminders of the events of September 11, 2001. However, this term leaves out the attack on the Pentagon and the crash of United Flight 93 in Pennsylvania, and so it is an incomplete descriptor. Likewise, a name that referred to the failures of intelligence and security agencies, the involvement of al Qaeda, or the history of geopolitics in the Middle East – and the role of the West – would be far too descriptive to be an effective symbol for an event of this nature. '9/11' avoids all of these problems by suggesting that the significance of the events that occurred that day is so universally obvious as to need no further description. Again, this is advantageous if the event is to be understood as a *starting point* for future actions.

Using 'September 11, 2001' in this work doesn't solve the problem of description mentioned above, as it falls into the same trap of using the *when* in place of the *what* or

why. It does, however, take less of a symbolic leap than '9/11', if only marginally. This is an imperfect compromise, but it allows for the existing discourse to be referred to without being wholly embraced, which is a good starting point for questioning and inquiry.

1.3 The Canadian Response

The most prevalent voices speaking about terrorism on the world stage in the post-September 11 context are those of the Americans. The United States was the target of the September 11 attacks, and its response to those attacks, in the form of a global 'war on terror', has dominated Western news since 2001. Canada was not directly attacked on September 11, and Canada has played a lesser role in the 'war on terror'. Despite these differences, Canada has undergone a series of significant changes since 2001, all of them related to the conceptualization of September 11 as a necessary point of departure for national security and anti-terrorism activities (PCO, 2004; Rudner, 2002). While Canada has been involved militarily in the war in Afghanistan, and in a police training capacity in relation to the Iraq conflict, the majority of the terrorism or anti-terrorism changes that have taken place in relation to Canada have involved internal reorganization. The discursive texts that form the subject of this study are often related to Canada's internal response to 'the terrorist threat' (see p. 134 for a discussion of this concept).

In terms of government action (or reaction) related to terrorism, Canada's response to the events of September 11 can be divided into two broad categories; legislative responses and policy responses. These categories represent more permanent changes in the Canadian national security fabric, although it should be noted that a number of non-policy, event-specific responses to the September 11 attacks also

occurred, including the opening of Canadian airfields to stranded American airplanes, and an outpouring of emergency assistance in the aftermath of the attacks. The focus of this study is not the changes that have taken place in Canada since September 11; this section is intended to briefly familiarize the reader with Canada's response to terrorism over the last five years, in order to provide a backdrop against which a discussion of terrorism-related discourses can take place.

The most prominent legislative response to September 11 was the rushed drafting and enactment of *C-36*, the *Anti Terrorism Act* (see Appendix A for a review of the changes outlined in *C-36*, and Appendix B for the full text of the *C-36 Canadian Criminal Code* amendments). Bill C-36 was granted Royal Assent on December 18, 2001. The *Anti Terrorism Act* provides Canadian law enforcement and security authorities vastly expanded powers of surveillance and intervention, for the purposes of preventing terrorism before it takes place (Department of Justice, Canada, 2005). The Act contains a number of important changes, including a new and unprecedented set of legal definitions for 'terrorism', 'terrorist activity', and 'terrorist entity'. Several other countries adopted new anti-terrorism legislation around the same time that *C-36* was enacted, ostensibly in response to a UN call for increased legal responses to terrorism in a post-September 11 context (Ignatieff, 2004). While initially controversial among legal scholars, civil rights groups, and other stakeholders, *C-36* has received little media attention since its enactment, probably because it has almost never been used, and certainly not to its full potential.

The *Anti Terrorism Act* grants several new powers to police, for use in anti-terrorism operations. The two most significant powers are 'Investigative Hearings', and

the provision for 'Recognizance with Conditions', or preventative arrest. Investigative Hearings, enabled under section 83.28 of the *Criminal Code*, allow police to apply for judicial orders to compel testimony of (suspected) material witnesses where there is suspicion of imminent terrorist activity (Mosley, 2002). The Recognizance with Conditions provision allows police to make preventative arrests in cases where they suspect terrorist activity might be being prepared (ibid). The stated reasoning behind this intervention power is that the authorities must have every means at their disposal to prevent a terrorist event from occurring, and the best way to do this is to disrupt the planning process. Officers invoking this power (and it is a power that can be invoked by any police officer in Canada, an illustration of the mandate creep suggested previously) are able to make an arrest without warrant, detain an individual without charge, and bring them before a judge, where they can face a maximum of 12 months of recognizance with conditions, which is similar to a parole order (ibid). Failure to comply can result in a prison term of up to 12 months. Furthermore, when the individual in question is first brought before a judge, that judge can delay the decision-making process for a period of 48 hours, during which the individual is detained with no charge being laid. *C-36* also makes changes to the Canada Evidence Act, in order to allow for the control of potentially-sensitive national security information, as well as changes to the legislation governing electronic surveillance, in order to allow for the tracking of suspicious financial transactions (Mosley, 2002). Increasing authorities' power to monitor and freeze financial assets is a key component of the Act.

In addition to the legal changes provided by *C-36*, the Canadian government has responded to terrorism in the post-September 11 context by releasing the first national

security policy in Canadian history in April of 2004 (Privy Counsel Office, 2004). 'Securing an Open Society', is the title of this policy, and it contains sweeping changes that affect many components of the Canadian government. In terms of dollars alone, the policy notes that Canada has invested over $8 billion in additional investments to address gaps in Canada's national security. Large portions of these investments have gone to increasing the operating budgets of Canada's federal policing and intelligence-gathering organizations (ibid). In addition, the structure of the government itself was changed, and the Department of Public Safety and Emergency Preparedness (PSEPC) was created (largely from the components of the former Department of the Solicitor General, but with new elements added) to house and coordinate the activities of all security-related sub-departments. The policy describes additional changes, including the creation of a National Security Advisory Counsel, the adoption of a closely-integrated SMART Borders agenda with the United States, the creation of a Public Health Agency of Canada to deal with emerging threats to health (for example bioterrorism), and the inclusion of biometric identification technology in passports (ibid). The rationale for these changes, among the others outlined in the policy, is the need to respond to the threat of terrorism, with specific reference to the 'horrific events of September 11, 2001' (Privy Counsel Office, 2004).

These broad developments (the passing of *C-36* and the release of the 'Securing an Open Society' policy) represent two of the most significant changes that have taken place in Canada in response to terrorism in the post-September 11 context. They are by no means the only changes of their kind. A review of the policy statements of all major federal departments would find that 'terrorism' and 'national security' are concepts that

readily appear in all types of discourse following September 11. The prevalence of terrorism-related discourse and the significance of the legal and policy changes that have taken place indicate the need for comprehensive research in this area.

2. Review of the Literature

The purpose of this literature review is twofold. First, it explores the key **terms** of relevance to a study of 'official' Canadian discourses on terrorism and national security in the post-September 11 context. Second, it identifies common **themes** regarding terrorism in the academic literature; these themes form the basis of the analytical approach that is used to examine selected samples of official Canadian discourses on terrorism and national security, as explained in section (3).

The core concepts of contemporary national security discourses – terrorism, security, and the novelty of a post-September 11 context – are not uncontested in the scholarly literature. Their meanings are laden with political ramifications and implications, and they must be understood as the products of contextualized claims-making. As such, it would be counterproductive to proceed with a critical research project by employing a few simple operationalizations of these concepts. Instead, considerable time must be spent exploring the relevant literature, in order to give the phenomena the appropriate depth and breadth. This review focuses on four concepts of importance to the research question. First, the concept of 'terrorism' is addressed, with particular reference to the difficulties associated with defining it. Following this, the concept of 'national secuirity' is discussed, with an emphasis on understanding the applications and implications of security discourses. The concept of 'discourse' is itself addressed next, as it is such an integral component of this research project. Finally,

specific attention is given to the literature on the 'new normalcy' or 'post September 11 context'.

Where possible, Canadian resources have been drawn upon, although the prevalence of certain conceptualizations and discourses across international boundaries makes non-Canadian-specific resources applicable. The concepts explored in this review are interconnected and overlapping, as opposed to mutually exclusive; for example, it is proposed that the post-9/11 context is characterized by fundamental shifts in the prevailing discursive themes, within the public sphere, in reference to perceived changes in the nature of terrorism. 'Terrorism', 'security', and 'the post-September 11 context' are particularly intertwined concepts, and it is a general goal of this study to clarify the nature of their relationship within a larger 'insecurity narrative'. It must be noted that the literature on each of these concepts is extensive, such that a truly comprehensive review would require several volumes. Schmid (2004), for example, notes that there are over 100 definitions of terrorism available in academic journals and government policy papers. For brevity's sake, this review will examine the key themes associated with each concept, with a specific focus on identifying their relationship to the other concepts, and to the research question.

2.1 Terrorism

To begin, it must be noted that it is no simple task to refer to the academic literature on terrorism. It is not even clear what sort of journals ought to be sought out in this regard, as the subject matter crosses so many disciplines and has experienced an explosion in popularity since the events of Septebmer 11, 2001. There are a number of established scholarly journals dedicated to terrorism, and the contributors to these

journals hail from a variety of backgrounds. In addition to these obvious resources, terrorism has become a topic of some interest for scholars of foreign policy, sociology, political studies, law, conflict and peace studies, and criminology, and single articles or special issues on terrorism and security can be found throughout the journals devoted to these subjects. To this growing pool of potential information sources, we can add the established periodicals on security and defence studies, where 'terrorism' has replaced 'communism' as the dominant problem of interest. Beyond the periodical literature, a great variety of books have been written on terrorism, ranging from mass-market reflections on the state of the 'new normalcy' to methodological commentaries geared towards a research audience. This variety allows the researcher to draw on a diverse pool of theories, concepts, and approaches, but it also produces several challenges; specifically, it encourages one to become a generalist, which is beneficial in terms of developing a broad understanding of the phenomenon, but challenging in that it makes it difficult to identify key interlocutors and track debates within particular disciplines. On balance, the breadth of the available literature is an asset to this research project, as it makes it possible to understand contemporary state discourses on terrorism from a variety of different perspectives.

'Terrorism' as an objective concept is not a variable that is used in this study. It is, however, an important term to 'unpack', as it forms the subject matter of the discourses that are examined. The nature of this study does not, therefore, require that an operationalized definition of terrorism be proposed; rather, variations in definitions and conceptualizations are welcomed as examples of the varied nature of contemporary terrorism discourses. One of the most predominant themes in the current academic

literature on terrorism is an attempt to differentiate 'old' pre-9/11 terrorism from 'new', international terrorism. Definitions of terrorism, terrorist, and terrorist entity vary, based on the chosen conceptual framework. At the broadest level, the main frameworks identified are academic models, legal definitions, philosophical discussions, and risk discourses.

Academic Models

As a concept, terrorism has been deconstructed and reassembled by scholars from a variety of fields writing in relation to different socio-political contexts. Assigning this scholarship to a single collecting category, 'academic models of terrorism', is a heuristic decision made for the sake of organization, to set the other conceptual frameworks apart from the larger pool of theoretical and empirical work on the subject. The bulk of sociological, criminological, and political science research on terrorism can therefore be included in this category, although this is not to suggest that these approaches share much in the way of common ground. This being noted, there is a reasonable consensus among academics that 'terrorism' is an elastic concept, with many possible applications depending on the political and social context it is used in (Borradori, 2003; Coady, 2004; Dedeoglu, 2004; Jenkins, 2003; Ross, 2003; Schmid, 2004). Alongside this acknowledgement of the multiplicity of possible meanings, most academics offer a working definition of 'terrorism' that fits their particular research goals. A common thread that crosses all methodological approaches is the desire to compare and contrast terrorism in a pre-9/11 context with the model of international terrorism exemplified by Al Qaeda's 2001 attacks on the United States. Typically, this involves differentiating

between the nationalist, insurrectionary, or otherwise political-utilitarian goals of 'old' terrorist groups and the 'apocalyptic', 'nihilistic' goals of 'new' terrorist groups such as Al Qaeda (Beck, 2003; Borradori, 2003; Ignatieff, 2004; Ross, 2003; Rudner, 2002; Schmid, 2004). These comparisons are not unproblematic, and both academic and political assessments of contemporary terrorism have too often yielded to the temptation to focus on the role of religion and self-destruction as key characteristics while ignoring underlying political messages and grievances, thereby depoliticizing terrorism. Interpretations of the causes of 'new' terrorism, the consequences of this shift, and its relationship to other phenomena such as globalization or American imperialism vary depending on the specific conceptual framework applied.

Weinberg, Pedahzur, and Hirsch-Hoffler (2004) provide an in-depth exploration of the challenges involved in conceptualizing terrorism. They propose that the inability on the part of the academic and political communities to arrive at a mutually agreeable definition of terrorism after well over 30 years of trying can be explained by a number of factors. The chief barrier is described as a political one (Weinberg et al, 2004); terrorism as a theoretical concept and an activity / tactic is inherently political, and its meaning is manipulated for political ends. The popular saying 'one man's terrorist is another's freedom fighter' is illustrative of this political ambiguity (ibid). Weinberg et al (2004) note that the extremely (and increasingly) negative connotation attached to the label 'terrorist' is such that, when applied to a particular group, it is almost by reflex turned back on the accusers who are described as the 'real terrorists'. Beyond its politicized nature, Weinberg et al (2004, p. 778) also note that terrorism "has become an 'essentially contested concept', one whose meaning lends itself to endless dispute but no resolution".

In the process of arguing over its meaning, disputants engage in a number of processes that actually make it more ambiguous; in particular, they subject it to 'border' and 'membership' problems, as well as 'stretching' and 'traveling' problems (Weinberg et al, 2004). 'Border' problems involve the difficulty associated with differentiating terrorism from other forms of political violence, including guerilla warfare and legitimate resistance movements. 'Stretching' problems relate to the observed tendency for people to describe certain acts on foreign soil in neutral terms (guerilla warfare or insurgency, for example), but insist that those same acts are terrorism when they occur on home soil (ibid). Finally, 'Traveling' problems are associated with the 'creeping' nature of the terrorism label, which has expanded to include cyber-terrorism, narco-terrorism, and eco-terrorism. These problems, while not an exhaustive list, offer some insight into the ambiguous nature of 'terrorism' as a concept.

To move beyond the aforementioned conceptual problems, some academics have shifted from trying to understand what terrorism 'is' in an ontological sense to trying to understand what the concept of terrorism *means* when it is invoked by specific actors. Weinberg et al (2004), for example, conduct a cross-disciplinary literature review of the three major academic journals on terrorism in order to identify key definitional elements as they are used by scholars from particular fields. After reviewing 73 definitions from 55 articles, they identify 8 common definitional elements: violence, politics, fear, threat, victim, tactic, civilian target, and movement (Weinberg et al, 2004, p. 788). The use of these elements in definitions of terrorism differs widely across fields; for example, the definitions of scholars from a political science or sociology background are more likely to include an integrated range of elements, while definitions developed by scholars of

philosophy focus only on the 'political', 'threat', and 'tactic' elements (ibid). The prevalence of certain elements was also found to vary significantly over time.

Schmid (2004) shifts his attention from the scholarly background of the claims-maker to the interpretive framework being used. Using an extensive review of the literature, he identifies five dominant theoretical frameworks used by academics (and policymakers) to conceptualize terrorism. He proposes that, although the frameworks are often seen as competing, they can be more usefully understood as overlapping lenses through which to view the phenomenon of terrorism (ibid). The five identified frameworks are: Terrorism as Crime; Terrorism as a form of Politics; Terrorism as Warfare; Terrorism as Communication; and Terrorism as Religion. Schmid observes that the application of the label 'terrorist' (or 'criminal') is almost always applied involuntarily to a group who would prefer to refer to themselves as militants, warriors, or freedom fighters. This observation is shared explicitly by Jenkins (2003) as well as Weinberg et al (2004), although the political nature of the labeling process is discussed by many authors.

Schmid's five theoretical frameworks offer a useful point of entry for research on terrorism, and as such they warrant further unpacking. The Terrorism as Crime framework proposes that, as the acts that are carried out by terrorists are almost without exception considered crimes in their own right by state and international laws, it is possible to conceive of terrorism itself as simply another form of crime (or as the *Mens Rea* that underlies crime) (Schmid, 2004, p. 197). In this sense, terrorism is indistinguishable from political crime. The problem with this framework is that the concept of 'crime' is subject to as much debate in the literature as 'terrorism'. Another

concern is related to the sovereign capacity of the state to define crime within its borders; this raises the question of whether it is possible for states to engage in terrorism, if this framework is to be the method of judging such actions (ibid, p. 198).

The Terrorism as Politics framework proposes that terrorism is an activity designed to acquire state power. Schmid (2004, p. 201) presents this perspective in a concise table entitled 'The Spectrum of Political Action', that compares state-actor politics with non-state actor politics. He uses three dimensions of political action to juxtapose these models; Conventional politics, unconventional politics, and violent politics (of which terrorism is the key manifestation for the non-state actor). The ultimate difference between the political strategies used by the state and those of the non-state lies in the state's monopoly on the *legitimate* use of force and social control (although Schmid notes that, when it comes to violent politics, the state can also commit terrorist crimes). He concludes that the description of war as the continuation of politics by other means is equally applicable to terrorism.

The Terrorism as Warfare framework draws upon the UN's description of terrorism as the "peacetime equivalent of war crimes". Schmid makes the important observation that states tend to respond to terrorism either through a criminal justice model, or a war model, or a combination of the two. He proposes that acts of terror have always been a part of warfare, from the butchering of populations in ancient times to the deliberate bombing of civilian areas in WWII. Furthermore, Schmid notes that many terrorists would prefer to refer to themselves as warriors, rather than criminals. This framework runs into problems when the concept of Just War is introduced, as terrorist organizations almost unanimously fail to adhere to the 'rules of war' set out in The

Hague Regulations and the Geneva Convention (Schmid, 2004, p. 203). These regulations prohibit many tactics that are used by terrorists, including the massacring of noncombatants, the taking of hostages, the torture of prisoners, and the practice of 'disappearances'. Of course, there is great debate in the literature as to the extent that 'legitimate' combatants also engage in these practices. Schmid (pp. 205-206) reproduces theoretical models developed by David Rapoport and Ariel Marari to distinguish military activity from guerilla warfare and terrorism. He concludes that the moral differences that have previously been used to differentiate these practices have become increasingly blurred.

The Terrorism as Communication framework proposes that terrorism is 'propaganda by the deed', a term that was coined in the 19th Century. This theory proposes that the state is so powerful that it is typically impossible for a sub-state enemy to cause it significant real damage, due to an asymmetry in resources; however, the symbolic power of terrorism as a form of attention-getting propaganda can be highly disruptive. In this sense, terrorist acts are perpetrated for their effects on others, rather than the immediate victims (Schmid, 2004, p. 207). This fits with some aspects of Baudrillard and Derridas' theses (discussed elsewhere in this text), in that it conceives of terrorism as a symbolic, provocative act, which demands a response from the state. The Terrorism as Communication framework is also the best means of understanding the relationship between terrorists and media outlets. Terrorists clearly benefit from continuing media coverage of their activities, and, reciprocally, media networks benefit from terrorism through the 'bad news is good news' or 'if it bleeds, it leads' phenomenon. This supports the contention that September 11, 2001 would not be a global

'event' if it was not experienced simultaneously around the world, in real time. Another example of this phenomenon would be the 2005 Tsunami, which while geographically centralized was experienced globally via the mass media.

Finally, Schmid outlines the Terrorism as Religion framework, which utilizes the concepts of gift, sacrifice, martyrdom, good, and evil to make sense of terrorist acts. This framework is useful as a means to explain the extreme polarizations between 'us' and 'the other' that characterize ideological perspectives on both sides of the terrorist equation. Schmid notes that a strict religious model is only partially useful as a means to understand terrorism, a belief that appears to be shared by most contemporary scholars. This framework does offer an excellent analysis of the language and discursive processes that are used to morally justify terrorist acts, however, and the mobilizing power of religious beliefs cannot be underestimated (ibid, p. 211).

Despite the lack of anything nearing a consensus on the subject, academic conceptualizations of terrorism offer several noteworthy working definitions of the phenomenon. Coady (2004) proposes that the best hope for a comprehensive approach to defining terrorism studies lies in the adoption of a 'tactical' definition, that is, one that focuses on the common tactics used by all terrorist groups. This conceptualization defines terrorism as any act that involves the targeted visitation of violence against non-combatants, for the purposes of political intimidation.

Ignatieff focuses instead on the goals of the terrorist organization to generate his typology. He differentiates between insurrectionary terrorism, loner / issue terrorism, liberation terrorism, separatist terrorism, occupation terrorism, and global terrorism. He differentiates these types thusly:

> insurrectionary terrorism aimed at revolutionary overthrow of the state; loner or issue terrorism, aimed at promotion of a single cause; liberation terrorism, aimed at the overthrow of a colonial regime; separatist terrorism, aiming at the independence for a subordinate ethnic or religious group within a state (using the October Crisis example); occupation terrorism, aimed at driving an occupying force from territory acquired through war or conquest; and global terrorism (the focus of post-9/11 policies), aimed not at the liberation of a particular group, but at inflicting damage and humiliation on a global power (Ignatieff, 2004, p. 83).

Jenkins (2003) turns his analytical gaze on the person or group that invokes the terrorist label; he proposes that terrorism is a social construction that is highly politicized and used by the powerful to invoke the image of the 'most evil', in order to mobilize resources against particular enemies. This starting point allows him to compare and contrast different conceptualizations of terrorism, without needing to arrive at a single 'right' definition. He proposes that the difficulty associated with defining terrorism is the result of the inherently subjective and politicized nature of the phenomenon (Jenkins, 2003 pp. ix-x). This relates to the act of 'knowing' about terrorism; Jenkins notes that the way we construct knowledge about terrorism depends on which of many possible interpretations we choose to apply, including religious, ideological, political, and theoretical-conceptual frameworks. A comprehensive discussion of the process of knowledge construction therefore must draw upon a variety of disciplines and approaches, including both philosophy and social science.

Furthermore, according to Jenkins, the inherently subjective and political nature of terrorism means that such a multidisciplinary framework is not peripheral and detached, but central to any real understanding of the phenomenon. Using the example of suicide bombings, Jenkins notes that "How one approaches these issues profoundly affects the appropriate responses to any new bombings" (2003, p.3). The implication of this argument is that conceptual dynamics directly influence policy options. This being

said, he proposes that the best practical definition of terrorism available is that of the US State Department, which defines terrorism as "Premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience" (Title 22 of the US Code, Section 2656f(d), in Jenkins, 2003, p.28). This definition shares some similarities to Coady's tactical definition, although it raises a point of contention among other academics, particularly in that it excludes state-sponsored terrorism.

In a study of research on terrorism, Reid (1997) finds that political pressures and closed information loops have traditionally encouraged the propagation of research and conceptual models that feature sub-state terrorism, with the intention of providing preventative or predictive strategies for policymakers. Ross (2003) notes this focus when he argues that many definitions of terrorism focus solely on 'terror from below', with comparably little recognition of state-sponsored or state-initiated terrorism. He proposes a lengthier but more comprehensive working definition, wherein Terrorism is conceived as a method of combat in which symbolic victims (sometimes randomly chosen, sometimes selective; often people, sometimes objects) become targets of violence; through the use or threat of violence, other members of the target group (at all levels of abstraction) are placed in a state of chronic fear. According to Ross, the victimization of the target is considered unusual or shocking to many observers, which increases the audience of the event. The purpose of terrorism, then, is either to immobilize the target (to produce disorientation and / or compliance), or to mobilize secondary targets of demands or targets of attention; a declared political motivation is required for the application of the terrorism designation to be appropriate. It is important to note that not

all elements of this definition need be present simultaneously in order for an act to constitute 'terrorism', using this model (Ross, 2003).

Weinberg et al (2004, p. 786) combine the most commonly-observed definitional elements in the scholarly literature, and arrive at a shorter 'consensus' definition, whereby terrorism is "a politically motivated tactic involving the threat or use of force or violence in which the pursuit of publicity plays a significant role". The authors acknowledge that while this definition features the most agreement in terms of definitional elements, it is not likely to be adopted as 'the' correct conceptualization.

Legal Definitions

Dedeoglu's (2004) comparative criminological study of legal definitions of terrorism, terrorist, and terrorist entity illustrates the legal approach to conceptualizing these phenomena. He notes that, while definitions of 'terrorism' have existed for decades, many legal definitions of 'terrorist' and 'terrorist entity' are post-September 11 developments. Dedeoglu's thesis is that the adoption of a particular definition of terrorism, terrorist, and terrorist entity by a state or international body is directly related to the way that state defines its enemies, as well as to the policy decisions of the state in question. This conclusion is similar to the observations that Kinsman et al (2001) make about the nature and legal / political uses of 'national security' (see Section 2.2). In addition, Dedeoglu proposes that the stigma that is attached to the term 'terrorist' is used by a state (or international body) as a means to impose its will upon perceived enemies. On the topic of legal definitions of terrorism, and legislated responses to this threat, Ignatieff (2004) proposes that, in the face of an enemy with which negotiation is an

impossibility (or rather, where it has been *decided* that negotiation is an impossibility – a distinction Ignatieff fails to make), democratic governments are justified in the use of force, as well as the emergency suspension of certain civil liberties, so long as these actions are understood as lesser evils. Furthermore, he proposes that states are obliged to submit such decisive actions to public debate and rigorous judicial scrutiny, and to limit their scope with sunset clauses, so that emergency responses do not become permanent fixtures (ibid).

The problem with relying on an exclusively legal framework for conceptualizing terrorism is that states make the law, which means that state terror is typically not the subject of legal proceedings (Cohen, 2001). Cohen (2001, p. 19) notes that "the culture of state terror is neither secret nor openly acknowledged". Conceptual models that focus on insurrectionary terrorism or separatist terrorism tend to omit state-sponsored terrorism from their analyses. Accordingly, it is important to consider what is *not* included in a definition of terrorism and why this might be the case. State-sponsored terrorism, for example acts conducted by the Argentinean juntas, combines the resources and legitimacy of a government with terrorist tactics (Cohen, 2001). The complexities of legal and political definitions lead some scholars to adopt more abstract philosophical approaches to the problem.

Philosophical Discussions

Contemporary discourses on terrorism are situated within the broader framework of a debate over the nature of concepts such as globalization, postmodernism, justice, good, and evil (Borradori, 2003). For this reason, it is important to acknowledge the contribution philosophers (or philosopher-sociologists, as is the case with Habermas and Derrida) have made to the literature on terrorism. This section outlines some of the contributions made by Jean Baudrillard, Giovanna Borradori, Jurgen Habermas, and Jacques Derrida, to scholarship on terrorism and national security in the post-September 11 context.

Baudrillard (2003) proposes that terrorism is a symbolic act of 'gift giving', where the gift of death promotes a reactionary, in-kind response from the state that is attacked. He describes this asymmetrical exchange of violence as 'The Spirit of Terrorism' (Baudrillard, 2003).

Baudrillard argues that international terrorists have adopted the 'means' of Western society (mass media and modern technology), without internalizing the capitalist goals that are associated with these tools. He describes the post-September 11 context as being characterized by 'terror against terror', where both the major powers and their enemies are engaged in a nihilistic war that is no longer grounded in specific ideologies (which accounts for some of the difficulty associated with defining the phenomenon). Baudrillard (2003, p. 4) considers the 2001 attacks to be the first major symbolic assault on the hegemonic model of globalization that characterizes the world today. He also proposes that the rapid pace of philosophical and scientific analysis that characterized the pre-September 11 "End of History" context, where the objective was anticipating future

trends before they occurred, must be replaced by a careful and introspective approach to making sense of such a 'high-speed' event (ibid, p. 4).

To Baudrillard, terrorism, at least in its contemporary manifestations, must be considered alongside – and in opposition to – globalization. While globalization represents the movement towards a form of universality, the ethos of global terrorism is one of singularity. Terrorism, he argues, can be seen as the assertion of a violent notion of heterogeneity in the face of this homogenizing globalization (ibid, p. 95). This viewpoint rejects the 'clash of civilizations' model of terrorism, proposing an alternative concept based on a clash of universalism vs. singularity. When this thesis is applied by Baudrillard to the symbolic relationships that underpin globalization, an interesting conclusion emerges. He proposes that it is erroneous to think of globalization as a system that takes everything from the cultures it assimilates without giving anything meaningful back (a popular thesis); rather, he argues that we can understand the hatred of fundamentalists for the West as a reaction to a globalization that gives itself (through its universalizing principles and system of cultural equivalence) without allowing the recipients to give anything back (ibid, p. 100).

This experience is described by Baudrillard as humiliating, and it follows that the logical response is terrorism, which inflicts humiliation-in-kind. He returns to the discourse on gift and symbolic exchange when he concludes that the unilateral gift of globalization is an act of power, one that leaves no opportunities for reciprocation, leads to cultural humiliation, and in the end, sows the seeds of its own demise (105).

Borradori (2003) takes this argument a step further by proposing that the ideology underlying international terrorism is directly opposed to the liberalism, secularization,

and emancipatory principles of the Enlightenment and modernity. Borradori (2003) notes that Habermas's application of his theory of communicative action to the phenomenon of international terrorism results in the conclusion that the extremity of the discourse prohibits any form of peaceful negotiation from taking place. Communicative action theory relies upon reasoned discourse and rational claimsmaking, neither of which can take place in such a heated context (Habermas, 1984).

This observation appears to be supported by an examination of prominent discourses from the key claimsmakers in the 'war on terror'. Representatives of the American administration advance a hard-line position on terrorism, describing their enemies as fanatical ultra-fundamentalists with whom negotiation is not only impossible but undesirable. Audio tapes released by the leaders of Al Qaeda, on the other hand, describe America as a soulless imperialist juggernaut, obsessed with power, material wealth, and the destruction of Islam. Both of these monologues are taking place simultaneously, and in the realm of public discourse, but while they reference each other, it would be erroneous to describe them as components of a true discourse, as Habermas understands the term.

The monological character of these claims can be seen in recent examples. Speaking in October 2005 at the National Endowment for Democracy, US President George W. Bush proposed that "freedom is once again assaulted by enemies determined to roll back generations of democratic progress". He described these enemies as "evil [...] Islamo-fascist [...] killers, [...] Evil men, obsessed with ambition and unburdened by conscience," and he proposed that terrorism represents a "mortal danger to all humanity". US Vice President Dick Cheney provided a summation of the American

position in January 2006, when he argued that "We don't negotiate with terrorists ... I think you have to destroy them" (CTV.ca, 2006, January). A key aspect of the US administration's discourse on terrorism is the claim that Al Quaeda and the Iraqi insurgency are pursuing nihilistic, ideological-fundamentalist goals (such as the destruction of freedom and democracy), as opposed to specific political ends.

By contrast, recent videotapes released by Al Qaeda leaders Osama bin Laden and Ayman al-Zawahri suggest that the organization is guided by a number of political and economic grievances with the American administration, in addition to their religious and ideological goals. In a January, 2006 video recording, bin Laden makes specific mention of the goal of ending the conflicts in Afghanistan and Iraq, critiques the US administration for ignoring opinion polls that indicate dissatisfaction with the war among the American public, and argues that the Bush government is pursuing an agenda based on profit and influence, as opposed to security (Al Jazeera.net, 2006 January). However, in addition to this political-economic critique – which is generally under-reported in the media – communications from Al Qaeda do tend to accuse America of pursuing a war against Islam, alongside a host of other 'imperialist adventures'. It is significant that the latest bin Laden tapes (ibid) as well as the speeches of the US administration appear to target the Western public (particularly Americans) as their intended audience. The public acts as a sounding board and propaganda recipient for both sides, neither of which ever engage in direct, reasoned discourse based on the redeeming of validity claims (Habermas, 1984).

Derrida, another prominent contemporary philosopher, elects to turn his analytical gaze away from the terrorists, and towards the power structures of Western society

(Borradori, 2003); he proposes that terrorism is self-induced destruction, and describes it as an autoimmunitary process (borrowing from the medical term for a process by which a host organism attacks its own immune system). The nature of this autoimmunitary attack is twofold, in that terrorists attack Western states, which in turn further attack themselves through the enactment of sweeping anti-terrorism legislation. Derrida agrees with Habermas that globalization and contemporary terrorism are phenomena that are closely, inextricably intertwined. Derrida acknowledges the economic polarization that results from globalization (describing it in terms of winners, beneficiaries, and losers), and describes a concurrent cultural polarization that results in the development of 'fundamentalist' ideologies (In Borradori, 2003, pp. 31-33). In this sense, he notes that fundamentalism is a distinctly Modern phenomenon, as it is a reaction to certain principles, such as secularism and capitalism, which are Modern in origin. In discussing the significance of the type of terrorism evidenced on September 11, Derrida (in Borradori, 2003, p. 97) describes it as a terror of the future, rather than the present or the past. He describes the post-September 11 context as one in which there is an assumption that 'the worst is yet to come'. This terror of the hypothetical future is ever-present, and it is one of the ways that Derrida explains the lingering impression (both philosophically and politically) of September 11 (ibid, p. 97).

Risk Discourses

A final key conceptual framework identified in the literature is the risk discourse. Ericson and Haggerty (1997) set out to define the key characteristics of risk discourses, and of the 'Risk Society'. They propose that governance in the risk society is "directed at

the provision of security," which is a "situation in which a specific set of dangers is counteracted or minimized. (Ericson and Haggerty, 1997, p. 85 – drawing on Giddens, 1990, p.p. 35-36). The pursuit of security, and by association the governance of the risk society, is related to the development of increasing knowledge or 'logics' about potential risks, and the deployment of mechanisms to assess and mitigate these 'bads'. Of key importance to the discussion of contemporary discourses on terrorism and national security, Ericson and Haggerty (p. 86) note that "Risk discourse cultivates insecurities, focuses them on scapegoats, and forces people to accept expert knowledge of risk – a knowledge that creates new insecurities – as the only viable solution". Citing Beck (1992), they further acknowledge that, in the risk society, "Not just accidents but also emergencies become normal," an observation that is appropriate to the study of the contemporary context which is often referred to as the 'new normalcy' presicely because of the dominant narrative of crisis-as-status-quo.

The paradigm of risk has gained a prominent position among scholars in both the social sciences and the natural sciences, and its application to post-September 11 terrorism problems was inevitable. It was being applied to terrorism prior to September 11, of course, but not in as intense a fashion. In many ways, critical discussions of risk-based approaches to governance, as advanced by Ericson and Haggerty (1997), Beck (1992, 2003), and Sunstein (2003;2005) offer essential points of departure for an analysis of the relationships that exist between terrorism, state security, and public experiences of insecurity.

Beck (2003), one of the founders of the risk paradigm, introduces the concept of the Global Risk Society, a new context wherein individual or group actions have

increased potential to affect the globe. This increased complexity creates ripple effects in knowledge gathering, surveillance, and governance, beyond the levels that Ericson and Haggerty described in 1997. Beck proposes that terrorism in the Global Risk Society is illustrative of the end of the state monopoly on the use of violence; terrorist groups are described by Beck (2003, p. 259) as the 'NGO's of violence'. The genesis of the individual as a global risk is related to the rapid development of technology, globalization, and the spread of the mass-media. Beck (2003) argues that Global Risk Society necessitates certain changes in state behavior, such as the reabsorbing of privatized security functions by the state, and an increased role for international collaboration, wherein autonomy must be exchanged for security.

A central component of Beck's thesis is that 9/11 signifies the failure of traditional state-based concepts such as 'war', 'crime', 'enemy', 'victory', 'attack', 'defense', and 'terror' to describe events in the new geopolitical context (ibid, p. 255). The nature of the September 11, 2001 attacks makes them distinct from previous attacks on Western nations, and precludes the application of the 'new Pearl Harbor' analogy, as they did not involve the assault on one state by another. Beck therefore refuses to conceptualize the attacks using a 'war' framework (as there can be no clear definition of 'victory'), or the 'crime' framework (which cannot deal with the magnitude of the acts). Beck argues that conceptualizations of a new phenomenon using old frameworks lead to inappropriate old responses; he uses the example of the US carpet bombing campaigns in Afghanistan following the September 11, 2001 attacks to illustrate his point, and he argues that this sort of response only serves to 'create more Bin Ladens' (ibid, p. 255).

Ultimately, he argues that the events of September 11, 2001 were met with a complete failure of conceptual language.

In place of these outdated concepts, Beck proposes that we adopt the concept of a 'Global Risk Society'. Against this backdrop, he criticizes contemporary applications of the concepts of terror and war, economic globalization and neoliberalism, and state and sovereignty. He then offers new, contextually relevant operationalizations of these concepts (Beck, 2003, p.256). Beck differentiates 'Global Risk Society' from 'Risk Society' by noting that, in Global Risk Society, civilizational decisions have global consequences that contradict the institutionalized language of control and risk, which renders them politically explosive (ibid, p.257). Three specific dimensions of danger are identified as being characteristic of Global Risk Society: ecological crises, global financial crises, and, following in the wake of 9/11, transnational terror crises. Beck also proposes that, as Global Risk Society is characterized by a lack of consensus over politics, religion, or other 'old' forms of association, agreement on the specifics of 'threats' posed by the identified Global Risk sources constitutes the new form of international consensus. Global political action, then, is made possible by the malleability that the (perceived) need to react to Global Risks creates in otherwise static institutions; in essence, Beck proposes that the response to global threats creates a degree of revolutionary potential for the involved actors (ibid, p.258).

An important characteristic of Global Risk Society, according to Beck, is the way "our language fails in the task of informing future generations about the dangers we have introduced into the world through our endeavours to benefit from certain technologies" (ibid, p.257). To illustrate this concept, Beck uses the example of a recent attempt by a

US commission to create warnings that, 10,000 years in the future, will communicate the dangers associated with nuclear waste stockpiles; the project was unsuccessful, as the best examples of symbolic communication offered by history barely date back more than a thousand years. This metaphor is applicable to the discussion of the post-September 11 context, as we are presently experiencing a global conflict that defies description using the accepted lexicon of the previous generation. Beck goes on to state that the dynamics of Global Risk Society are not conducive to American unilateralism, but rather reliant on international cooperation (ibid, p.259). Ultimately, history will judge the veracity of this statement; current global events appear to contradict Beck on this, as pre-emptive and unilateral action has become a codified element of US foreign policy. Beck correctly observes that the post-9/11 context has been a time of new political alliances, where former enemies become new partners in security. In addition, he notes that "the globality of perceived dangers has a double face: it creates new forms of political risk society and at the same time regional inequalities for those affected by the dangers (Beck, 2003, p.258). Beck concludes his discussion of Global Risk Society by proposing that the interdependence generated by the current global threat environment requires the acceptance of multiple coexisting modernities, and the use of negotiation rather than warfare as a means of settling international disputes.

In his discussion of terror and war, Beck (2003, p.259) proposes that international terrorism (which is wholly different in form and objective from 'traditional' nationalist terrorism) signifies the end of the state monopoly on the use of violence. He describes this as the military equivalent of the disappearance of cultural and communicative forms of distance that is characteristic of globalization. September 11, 2001 established terrorist

groups as actors on the international stage, and Beck uses the analogy 'NGO's of violence' to describe this development (ibid, p.260). Beck's discussion of 'terrorism' as a concept draws on the common argument that contemporary terrorism is distinct from nationalist terrorism, by virtue of its objectives, and its decentralized nature. He also notes the singular nature of the suicide-terror attack, as it can obviously be carried out only once by a given actor, and simultaneously involves an act, a confession, and a self-extinguishing (ibid, p.260). This singularity argument develops into the proposition that, in our present context, we are witnessing the decline of the state-vs-state model of conflict, and the advent of an epoch where individuals declare war against states. The empowerment of individuals vis a vis the state in Global Risk Society is resulting in the shifting of the legal and security apparatus, with new arrangements increasingly treating all citizens as potential threats and thereby curtailing their civil liberties. Terrorism in the Global Risk Society becomes more powerful as it is reported on by the mass media, and it draws upon increasingly sophisticated technology at a rate that international regulations have difficulty keeping up with (ibid, p.261). Beck proposes that the individualization of war renders the traditional distinctions between 'good' and 'evil' obsolete, and he offers the principle of 'universal justice' in their place.

Global Risk Society poses challenges for the concepts of neoliberalism and economic globalization, as it brings the triumph of the market over politics into question (Beck, 2003, p.262). Beck uses the example of privatized airline safety in the United States, which, while illustrative of the neoliberal domination of the market, also facilitated the 9/11 attacks. He proposes that Global Risk Society will necessitate the reabsorbing or previously privatized security functions by the state, something which is

currently occurring. Beck's analysis describes the events of September 11, 2001 as the result of the over-neoliberalization (or 'capitalistic fundamentalism') of the American state. In light of the apparent failure of the neoliberal model to deal with global crises, Beck notes that we need

> an expanded concept of the political, one that is capable of appropriately regulating the potential for crisis and conflict in the free global economy, and we need an understanding of active civil society and social movements, which take this transformation into their own hands (ibid, p.263).

This equates to a certain reversal of neoliberal principles, and a system of collaborative security and trans-national regulation. Although this is currently visible primarily in the security sector, Beck proposes that it is the beginning of a new era of global politics.

The discussion of globalization and neoliberalism leads Beck to question the use of the concepts of 'state' and 'sovereignty' in Global Risk Society. He argues that terror attacks lead to a strengthening of the state, through its reaction, but that they simultaneously weaken the traditional 'nation-state' model; the state that is strengthened is one that relies on international cooperation to provide its national security, both from external and internal threats. The paradox then emerges whereby strengthened national security requires international cooperation and decreased autonomy. This requires that a distinction be made between the concepts of sovereignty and autonomy (which are one and the same under the nation-state model). In a Global Risk Society model, sovereignty is the ability of one state to exert influence among international partners and thereby protect and enhance the security of its citizens. This conceptualization means that a decrease in autonomy brought about by international collaboration can actually lead to an

increase in sovereignty (Beck, 2003, p.265). The critical issue to be resolved is the nature of the model(s) of international collaboration that are adopted.

Sunstein (2003;2005) also uses risk as his point of entry to the discussion of contemporary terrorism. His approach is in many ways similar to Beck's (2003) discussion of the Global Risk Society, although Sunstein concerns himself more with understanding the psychological dynamics of risk and the use of the precautionary principle.

Specifically, Sunstein sets out to explain the mechanisms of fear and risk awareness that lead people – and states – to react to phenomena such as terrorism in ways that are entirely out of proportion to the potential harms associated with them. He begins by arguing that in democracies, laws are responsive to fears, and that irrational fears can lead to the acceptance of equally irrational laws (Sunstein, 2005, p. 1). The tremendous legislative and policy upheaval that often follows acts of terrorism is explained by Sunstein as the result of precautionary, risk-based calculations that reflect certain aspects of behavioural economics and cognitive psychology (ibid, p.35). In particular, he proposes that the ''Availability Heuristic'' and 'probability neglect' underlie the public acceptance of disproportionate responses to terrorism.

The 'Availability Heuristic' is explained by Sunstein (2005, p. 36) as the way in which accessible, familiar, and salient examples of a given outcome influence thinking about risks. The more vivid and accessible a particular example of a given risk, the more likely that decisions made about that risk – or its avoidance – will be based on this image. This is particularly important to understand in relation to terrorism - and specifically the events of September 11, 2001 - as the example of terrorism-related risk that is associated

with the images of the destruction of the World Trade Centre, while highly anomalous, is instantly accessible to populations the world over by virtue of its status as a 'hyperreal' global media event (Baudrillard, 2003). When considering terrorism-related risks and responses, the immediate accessibility of this image makes the potential threat posed by terrorism seem very real, while the potential risks associated with anti-terrorism responses appear less tangible by comparison. The importance of the 'Availability Heuristic' cannot be understated, as it helps to explain how the real-time broadcasting and continuous re-broadcasting of the September 11 terrorist event – by any measure a catastrophic and highly anomalous example of terrorism – has allowed it to become a point of reference for policymakers and populations the world over. The availability and potency of the images of the World Trade Centre's collapse far outstrips the availability of imagery associated with the potential risks associated with state responses to terrorism.

In addition to the 'Availability Heuristic', Sunstein's analysis of risk-based decision-making about terrorism points to the important role played by probability neglect. He describes probability neglect as the tendency of the public to call for crisis-based policy that focuses on the severity of the worst-case-scenario (such as another September 11-style attack), rather than the probability of its occurrence (Sunstein, 2003). This is differentiated from the effects of the 'Availability Heuristic', in that while the latter leads people to produce inaccurate assessments of probability, probability neglect means that little or no assessment is undertaken in the first place (Sunstein, 2003, p. 39). The catastrophic potential outcomes of a terrorist attack, whether it be the examples set by September 11, 2001 or the July 7, 2005 attacks or the hypothetical results of bioterrorism and nuclear terrorism, become the driving concerns of policymakers and the

public, and the race to take precautions to prevent these outcomes often takes place in a manner that is entirely divorced from an assessment of their probability – or of their root causes.

Sunstein (2003) acknowledges that terrorists and policymakers demonstrate a working knowledge of probability neglect, and use it to achieve desired outcomes such as the spread of irrational fear or the passing of extraordinary legislation. Constant references to the potentially catastrophic outcomes of terrorist events pervade political speeches on national security and counter-terrorism policy, and the terror of the hypothetical is given considerably more 'air time' than realistic assessments of probability. The discourses surrounding 'weapons of mass destruction' are a good example of this. While probability neglect is a concept best associated with Sunstein, it should be noted that other scholars (eg. Van Munster, 2004) propose that governments also actively engage in the promotion of probability neglect-type thinking, as it leads to a complacent public.

2.2 National Security

Post-September 11 discourses on terrorism portray it as the current and most serious threat to security – both national and international – that is currently faced by the world. Policies designed to respond to 'the new age of terrorism' in a global risk society (Beck, 2003) typically begin by establishing a case for terrorism as a national security problem, a decision that mobilizes a specific and important set of discursive and political mechanisms. This is the case in Canada, where 'Securing an Open Society – Canada's National Security Policy' (2004) clearly identifies terrorism as a core national security

threat, sufficient in magnitude to warrant the drafting of the nation's first ever federal national security policy. While the document does focus on other security threats, such as pandemics and natural disasters, it is clearly located within what Baudrillard (2005, p. 13) describes as the "shadow cone of the events of 11 September," and its primary focus is on terrorism as a threat to national security. A large portion of our understanding of terrorism in the post-September 11 context must therefore be grounded in an examination of its role as the current mobilizing vehicle of national security discourse and policy.

Here, then, is another instance where the obviousness of a decision regarding terrorism needs to be subjected to some careful consideration and scrutiny. While it seems automatic and rational to articulate terrorism as a threat to security, the implications of this conceptualization are complex, and they must be understood within the context of previous invocations of the 'security threat narrative'.

Security is a difficult concept to understand, as it appears in the discourse as both an objective goal ("we will achieve security by ..."), a commodity to be produced or exchanged ("some civil liberties may have to be sacrificed in order to ensure security") , and a subjective state of being or feeling ("I feel secure when I travel by airplane"). Additionally, narratives about security are also automatically narratives about insecurity, and the relationship between these two conceptual facets is both fundamentally important and typically unspoken.

To deconstruct the concept of security as it pertains to a study of contemporary discourses on terrorism, it seems important for us to consider three inter-related questions: First, what have the historical uses of the concept been?; second, what does it mean to speak of 'national security' in the Canadian context?; and third, what happens, at

the level of concrete changes and consequences, when we describe something as a security threat? The remainder of this section will explore these questions.

Conceptualizing National (In)security

'National security', much like terrorism, is an 'essentially contested concept (Weinberg et al, 2004, p. 778). Its use in discourse is subject to so many contrary claims and descriptions that it is exceedingly difficult (and in many ways counter-productive) to search for an ideal definition or conceptualization. As is the case with terrorism (and indeed, any other oft-contested concept), looking to the policy literature will provide a different understanding of 'national security' than that offered by the academic literature. Both the 'common-sense' notion of national security and the ideological notion associated with state policy have shifted tremendously in the last half-century (Kinsman et al, 2000), in response to an evolving list of perceived threats. The historical link between the state of knowledge about the phenomenon of security and the current policy imperatives of the state is one of the primary factors contributing to the ambiguity of the field. As a concept, 'national security' is consistently associated with 'threats' in academic and policy discourses, although the nature of these threats is such that what is at one time considered to be existential peril to the security of the nation (communist subversion, for example) is later overlooked in favor of new forms of danger. The designation of a group or movement as a threat to national security therefore appears to be based on a historically contextualized and political assessment of its status, as opposed to exclusively objective criteria.

Martin Friedland (1979, p. 1) begins his report to the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police by stating that "I start this study on the legal dimensions of national security with a confession: I do not know what national security means. But then, neither does the government". He continues by noting that, at the time, it was the position of the Solicitor General that the term 'national security' refers to the protection of national sovereignty, which must necessarily be a flexible activity. As Weinberg (2004) notes when discussing the concept of 'terrorism', Friedland (1979) proposes that some deal with this ambiguity by saying that they will simply 'know national security when they see it'.

When the term 'national security' is invoked, a number of related but often-unstated assumptions are made as well. Beyond the conceptual ambiguity of 'security', the addition of the 'national' identifier steers the discourse towards certain themes and enables a number of political mechanisms to take effect. The security (in this sense the term is used interchangeably with 'safety') of the nation is seen as a central priority of the state (Canada, Royal Commission on Security, 1969; Kinsman et al, 2000). Indeed, the 2004 Canadian national security policy begins by stating that "There can be no greater role, no more important obligation for a government, than the protection and safety of its citizens" (Privy Council Office, 2004, p. vii). Rigakos (2001, p. iii) proposes that "security is a fundamental need of Canadians," but that debate in this area must contend not only with the ambiguity of the concept, but with "Why ... Canadians want so much of it".

An examination of the history of 'national security' practices, both in Canada and abroad, shows that while the security of the nation is central to the discourse of the

government and the source of legitimacy for its actions in this area, it is often the security of the state that is being pursued (Kinsman et al, 2000; Whitaker & Marcuse, 1994). Friedland (1979) observes that, as it is used in Canadian political discourse, the term 'national security' effectively means 'state sovereignty'. The terms 'nation' and 'state' are not interchangeable, and it is possible for activities designed to promote state security to be carried on at the expense of the security of the nation. Many threats to national security are identified as such because they threaten the ideological status quo upon which the structures of government are based, or because they challenge dominant policies and discourses; other threats or potential threats (such as terrorism) are targeted because they represent challenges to the state's monopoly on the use of coercive force, another pillar of government (see Kinsman et al, 2000, p. 279).

'Human security' is another concept of interest, and at a heuristic level it completes the conceptual triad of 'security' prefixes that includes 'national security' and 'state security' (although we can recognize additional forms of security, including common security, societal security, and innumerable processes of securitization). The literature recognizes human security through a number of synonyms, such as physical security (Canada, Royal Commissionon Security, 1969) and personal security (Rigakos, 2001). The relationship between this group of security concepts is a subject worthy of considerable inquiry and theorization, and it is unfortunately beyond the scope of this study. At this point, it is important to note that the concept of 'human security' is (or should be) more than just the micro-level permutation of 'national security'. 'Human security' is a gestalt concept that encompasses the varied measures of safety and well-being that exist in daily life, and it is entirely possible that actions taken in pursuit of

'national security' – such as door-to-door visitations by CSIS and the collection of personal information by security agencies – may result in a net loss of 'human security' for some communities. The potentially expansive and ambiguous nature of 'human security' as a concept is seen by some to be a key asset, as it allows for inclusive policymaking; on the other hand, others argue that these factors limit its applicability as a concept and a tool for analysis (Paris, 2001, p. 102).

Kinsman et al (2000) examine the relationship between mainstream discourses about national security, government rhetoric, and concrete action. They propose that national security is an ideological practice, socially constructed through two moments: first, a 'common-sense' hegemonic construction is developed, through popular discourse and media representations; following this, a more focused state discourse emerges, and this latter discourse is both built upon the existing hegemony and a steering device for it (Kinsman et al, 2000, p. 280). In this manner, those in power are able to "expand or contract "security" at will, and capitalize on its "vague and mobile," elastic character (ibid, p. 280).

This fits with Friedland's (1979) earlier analysis, where he notes that one of the challenges faced by researchers in this area is the incongruity between everyday speech regarding national security (mainstream or hegemonic discourse) and legislation. As a result, it has historically been the case that operations, investigations, and social control activities undertaken by the state in the name of national security have been supported by a complex and sophisticated rhetoric, but made possible by vague or overbroad legislation (Frideland, 1979). Kinsman et al (2000, p. 284) suggest that this rhetorical, discursive aspect of national security allows it to act as a "collecting category" that

permits the state to bring together multiple social processes in order to achieve specific ends. These ends are typically related to the maintenance of capitalist social relations, and the preservation of the status quo. They propose that discourses of national security create an image of the 'normal' and 'proper' citizen / subject, and simultaneously describe those who do not fit this image as threats to the safety of the nation (Kinsman et al, 2000, p. 279). Discourses on security, therefore, are also discourses about insecurity.

The relationship between security and insecurity is central to discussions in this area. Once people feel insecure - as the result of direct participation in an event or circumstance, vicarious participation through the media, or through discourse – they search for additional security. George Rigakos (2001, p. 1) argues that Canadian security needs to be understood within the context of the risk society, where "Millions upon millions are made part of an extended family of victimization" by watching images of events such as the September 11, 2001 attacks. He explores this dynamic as it pertains to the expansion of the private security industry, where security is a commodity to be purchased by those who can afford it. He notes that the public appetite for security is fuelled by a number of factors, including personal experiences, media representations of insecurity, marketing campaigns for security products and services, as well as the halo effect of global events (Rigakos, 2001). Private policing, surveillance, and target-hardening technologies have proliferated in the last decade, and the debate over whether the security of Canadians is the concern of the state or of responsibilized individuals (or both) is ongoing in the literature.

To summarize, 'national security' is a contested and ambiguous concept, described variously as the protection of state sovereignty (Friedland, 1979), the

protection of the safety of the citizens of a nation (Privy Council Office, 2004), and an ideological mechanism for sorting sub-national groups into 'core' (normal) and 'periphery' (subversive or deviant) categories (Kinsman et al, 2000). 'National security' is ill-defined in the academic and policy literature, and it is often operationalized through synonyms such as 'protection' and 'safety'. To describe something as a 'national security' concern is different from describing it as a 'state security' or 'human security' concern, although the terms are often (and arguably, deliberately) used interchangeably.

National Security in Canada

Gary Kinsman, Dieter Buse, and Mercades Steedman (2000) propose that the first comprehensive multidisciplinary conference on 'national security' in Canada took place in November 1996. This may be difficult for us to accept in 2006, given the way that national security and its corollaries have ascended to the top of international discourses and policymaking over the last five years. This shift in prevalence has taken place not only at the quantitative level, but in terms of the qualitative nature of discourses on security as well; international terrorism is the driving force of contemporary discussions, but the surveillance of domestic 'threats' (such as unions and gay rights movements), the legacy of Cold War McCarthyism, and debates over the status of 'secure' information dominated the pre-September 11 discourses, at least in Canada.

Friedland (1979) presents an analysis of the range of problems that were addressed under the framework of 'national security', from a legal perspective, in 1979. His discussion demonstrates the focus of scholarship and inquiry in the area at the time. In Canada, the separation of policing and intelligence activities and the creation of CSIS

following the McDonald Commission's findings were a key topic for research and discussion, and the RCMP 'dirty tricks' campaign was a major event of interest. Subversion was a focal point for national security discussions at the time, and Quebec separatists and 'communist elements' (including unions, academics, and civil servants) were the key targets of the state (Canada, Royal Commission on Security, 1969; Friedland, 1979; Kinsman et al, 2000). It is significant to note that, during the 219 pages of Friedland's (1979) analysis and discussion of the legal dimensions of national security in Canada, the subject of terrorism is given only the briefest of passing mentions.

In addition to subversion, Cold-War era national security in Canada concentrated on the problem of espionage. Government agents, from the RCMP and later CSIS, were concerned with the possibility of communist infiltrators (the 'red menace'), double agents, and subversive elements in a manner that retrospectively appears to be a precursor to the 'fifth column', 'homegrown terrorist', and 'sleeper cell' images characteristic of contemporary discourses. Kinsman et al (2000) shed some light on this similarity, noting that at all times, the targets of state national security campaigns have been those groups seen as enemies of the state and 'threats' to the accepted status quo. The use of emergency legislation, such as the War Measures Act, to counter these threats was the subject of considerable debate, and critical social theorists questioned the concept of extraordinary temporary powers in a democratic state; by contrast, contemporary discussion in this area highlights the manner in which post-September 11 legislation has allowed for a 'permanence of the temporary' or normalization of emergency powers (Dyzenhaus, 2002).

The 1969 Report of the Royal Commission on Security is an important document in the history of Canadian national security discourses. The Commission had a broad mandate, and their terms of reference required them to:

> make a full and confidential inquiry into the operation of Canadian security methods and procedures and, having regard to the necessity of maintaining (a) the security of Canada as a nation; and (b) the rights and responsibilities of individual persons, to advise what security methods and procedures are most effective and how they can best be implemented (Canada, Royal Commission on Security, 1969, p. 1).

From this broad mandate, the Commission elected to narrow its focus to address two specific areas of interest, the first being activities related to the security of information, and the second being activities related to the protection of Canadians from subversive threats (ibid). Again, terrorism was not identified as a topic of interest. It is clear that the conceptual ambiguity associated with 'national security' by later writers, such as Friedland (1979) and Kinsman et al (2000) was present in the work of the 1969 Commission. In identifying subversion as a primary subject of concern, the Royal Commission notes that:

> ... the range of activities that may in some circumstances constitute subversion seems to us to be very wide indeed: overt pressures, clandestine influence, the calculated creation of fear, doubt and despondency, physical sabotage or even assassination – all such activities can be considered subversive in certain circumstances. Subversive activities need not be instigated by foreign government or ideological organizations; they need not necessarily be conspiratorial or violent; they are not always illegal. Again fine lines must be drawn. Overt lobbying or propaganda campaigns aimed at effecting constitutional or other changes are part of the democratic process; they can however be subversive if their avowed objectives and apparent methods are cloaks for undemocratic intentions and activities (Canada, Royal Commission on Security, 1969, p. 2, emphasis added).

The language of the Royal Commission's Report is steeped in the rhetoric of the Cold War, with comments on the threats posed by communist subversives and spies in Canada. It is interesting to note that, while the details of national security narratives (stories) shift over time, the details of the main characters have remained remarkably

consistent. Writing in 1969, the Royal Commission noted that Canada's national security was threatened by "illegal residents," by the actions of both overt and covert communist agents, by communist sympathizers, and by persons in positions that could be compromised by blackmail. By comparison, contemporary security discourses construct the terrorist threat as a diffuse network, working towards an ideological objective, through agents (either Canadians or illegal residents – the latter whom have been targeted by immigration security certificates), and with support from sympathetic communities. In both contexts, the state has concerned itself with infiltrators, sleeper agents, and 'fifth column' or homegrown converts. But for the specific differences in the manner in which the 'red menace' and the 'Islamofascist threat' have been vilified through state and media discourse, many of the comments regarding Cold War-era communists and contemporary terrorists could be exchanged without losing their intended meaning.

Another area of considerable similarity between Cold War-era Canadian national security policy and contemporary national security policy relates to the breadth of the security mandate across the institutions of government. The 1969 Royal Commission on Security (p. 13) identified the national security structure at the time as "including the Cabinet Committee on Security and Intelligence, the Security Panel, the Privy Council Office, the Solicitor General and his Department, the Minister of Justice and the Department of Justice, and the RCMP. In addition, all departments and agencies of the government have responsibilities for security which vary widely in scope and importance". This list demonstrates the central role that national security plays within the fabric of Canadian governance, as well as the way in which security interests tend to spread throughout the departments and agencies of the state.

By comparison, contemporary national security policy demonstrates the effects of a post-September 11 'mandate creep', whereby the powers and responsibilities associated with 'securing' Canada have not only expanded, but traveled to areas of government that have traditionally not been associated with this mandate. The current Canadian national security policy, for example, devotes significant time and resources to public health and critical infrastructure protection. The list of key agencies in charge of Canadian national security is even larger now than it was during the Cold War, with the addition of the newly-formed Department of Public Safety and Emergency Preparedness Canada (encapsulating the former Department of the Solicitor General), new Parliamentary Committees, the Canadian Security Intelligence Service, the Canadian Security Establishment, the Canadian Border Services Agency, and, through the revisions to the *Canadian Criminal Code* made by the *Anti-Terrorism Act* (*C-36*), all public police agencies in Canada. To this list, we can add the extensive private sector security industry, which in many ways runs parallel to the state security sector and interacts with it at every junction. Although Beck (2003) correctly notes that certain privatized security practices have - since September 11, 2001 - been re-assumed by the state, one need only to look at the trade publications for the security industry to realize that the private sector remains a dominant player in the ongoing business of national security.

George Rigakos' (2001) Discussion Paper for the Law Commission of Canada, 'In Search of Security', offers an excellent snapshot of the influence of September 11, 2001 on Canadian national security discourses; prior to the attacks on the United States, the primary subject of contemporary debates in the area was the impact of the regulatory trend, and its corollaries privatization, decentralization, and responsibilization, on the

Canadian security industry. As Rigakos notes, the security industry (which increasingly includes private police and surveillance interests) was growing in relation to the security activities of the state, and criminology and related disciplines were busy contending with the implications of this shift. Following the September 11, 2001 attacks, there was an immediate and as-yet ongoing counter-movement, as previously privatized security activities (such as aviation security and aspects of border security) were brought under government control.

The post-September 11 dynamic in Canadian security represented an upheaval for those conducting research in the area, as the across-the-board expansion of security discourses and practices resulted in an intensification of the privatization trend in some areas (in camera surveillance and national security consulting, for example), and in a clear explosion in state security in others (such as the revision of state policing and intelligence powers, the development of new policies and working relationships with allies, and the creation of new federal departments and agencies). Rigakos (2001, p. 27) suggests that the net effect of September 11 "may be a growth in both public police and private security services, and the development of denser and more complex networks of relationships between the two".

The growth of the private security industry, the capacity of private security structures to act as agents of social control in a post-September 11 climate, and the differences between the regulation of these activities and those of the state need to be studied in greater detail. A thorough review of the contemporary relationship between the private and public security sectors is beyond the scope of this study, however.

To summarize, the targets of Canadian national security campaigns have changed over time, to reflect the priority 'threats' to the state at a given historical moment. National security is a relatively new subject for multidisciplinary academic inquiry, as it has traditionally been the domain of policymakers and legal scholars. Critiques of national security policy by academics and civil libertarians have traditionally examined a facet of the concept, rather than the process as a whole.

Discourses on national security during the Cold War period focused primarily on subversion and espionage, and related concepts such as separatist movements, communist ideology, and enemy spies (Kinsman et al, 2000; Friedland, 1979). As is the case with contemporary national security discourses, shifts in rhetoric and policy at the time tended to cluster around mobilizing events, such as the defection of Igor Gozenko in 1945, the 1957 suicide of Canadian Ambassador to Egypt Herbert Norman following McCarthy-era charges of communist espionage, the RCMP 'Dirty Tricks' campaign against Quebec separatists, and the 1970 October Crisis (Whitaker & Marcuse, 1994).

The protection of Canadian national security has always been spread throughout the mandate of a number of specific government departments and agencies, although all government departments have been responsibilized to varying extents at different periods. The image of the threat posed by Cold War-era 'subversives' is remarkably similar to that of contemporary terrorists, and similar measures have been enacted by the state in response to both targets.

Following the end of the Cold War, academic investigations of Canadian national security focused on the growth of the private security market, and criticism centered on the regulatory implications of this trend. The post-September 11 reuptake by the state of

previously privatized security activities caused yet another shift in the discourse – one that continues to this day.

Implications of 'Security Threat' Designation

While the targets of national security campaigns have shifted over time, along with the contextual and ideological framework of the concept and the legislative and policy backdrop, the implications of the 'security threat' designation have maintained a degree of consistency. By defining an individual, group, or movement as a threat to national security, a number of investigative and social control mechanisms above and beyond those associated with mainstream policing are brought to bear.

But national security campaigns do more than mobilize additional resources; they allow the 'rules of engagement' that govern state actions to be bent and circumvented. In their March 23, 2006 submission to the Supreme Court of Canada, on behalf of their client Mohamed Harkat (currently being held on an Immigration Security Certificate), Paul Copeland and Matthew Weber challenge the Government of Canada's ability to play 'the national security trump card'. Copeland and Weber (2006, p. 12) propose that the central issue at the root of security-related cases, including the Harkat case, "remains what the government may justify in the name of national security". They go on to argue that "in virtually all cases where national security is cited to curtail rights, governments of free and democratic societies have claimed a need for confidentiality" (ibid, p. 12). This presents a challenge for those who desire government accountability, as the state's capacity to invoke a 'national security trump card' to allow it to take extraordinary

measures is protected by its capacity to use the same prerogative to guarantee procedural secrecy.

For the purposes of this study, the implications of the 'security threat' designation can be broken down into two broad categories, based on the actors involved. These archetypal actors are the 'Labeled Individual' and the 'Potential Threat' both of whom experience the effects of 'security threat' claimsmaking in different but related ways. By focusing on these actors, we make a conscious decision to view the implications of 'security threat' discourses at the micro level; the impact of threat designation on groups, communities, organizations, and larger segments of the population is just as important to our understanding of the phenomenon of national security, but the collection of data on such a scale is beyond the scope of this study (and missing from the academic literature as well, although I would suggest that Cohen's (2000) work on 'States of Denial' and bystanders provides a good starting point for such an investigation).

It is difficult to succinctly operationalize what it means to designate something a threat to national security, as the application of this status ranges from the covert to the public. In some cases, individuals who are labeled thusly are the targets of surveillance campaigns for a considerable period of time without being aware of it, while in others, the consequences of the designation are immediate and highly publicized.

The circumstances of each case differ, based on its location on the spectrum between covert operation and public denunciation, which means that the impact of the designation is contingent upon several variables: Is the individual aware of their status? If so, how did they become aware? Are others in their community aware, and if so, how were they informed? Is the public at large aware? The media? Of course, the nature of the

state's discourse and actions on the matter is key as well; this can range from cryptic comments in the public sphere, to visitations and questioning at home or the workplace, up to detention with or without trial. Another determining factor that is particularly evident in the post-September 11 context is the citizenship of the individual in question. Since the events of September 11, the Canadian government has pursued a two-tiered policy in relation to individuals designated threats to national security, whereby Canadian citizens enjoy certain rights and protections that are not made available to non-citizens, who can, for example, be held indefinitely under an immigration security certificate.

It is possible to make some general observations about the effects of the application of a 'national security threat' label upon individuals. Kinsman et al (2000, p. 283) describe national security claims as "cutting-out device[s] ... directed at denying people their human and civil rights and cutting them out of regular social interaction". This proposition is grounded in a theory of national security as a process for differentiating between 'normal Canadian subjects' and 'enemies of the state', and it is supported by an examination of Cold War-era Canadian security policy. Individuals and groups who are 'cut out' of public discourse and interaction by the application of the 'security threat' label are unable to contest the state's security regime, unable to dispute the hegemonic conceptualization of 'security' in public discourse, and are, ultimately, made to be pariahs, becoming the proverbial 'them' of security discourses (Kinsman et al, 2000).

During the Cold War period, the application of this 'other' status was based on ideological grounds, on the familial backgrounds of individuals, on the involvement in certain groups or movements, and along gender and sexuality lines (ibid, Lustgarten &

Leigh, 1994). The 1969 Royal Commission on Security openly draws parallels between involvement in union activity, the Quebec separatist movement, student activism, or the gay community, and communism. On the matter of a balance between the civil rights of the individual(s) in question and the objectives of state security campaigns, the Royal Commission clearly indicates that security trumps freedoms (Kinsman et al, 2000). The Commission (1969, p. 28) states that they "have little sympathy with the more extreme suggestions that inquiries about persons should not be undertaken because of the individual's "right of privacy" ... Neither does an individual have a right to confidence; on the contrary access to classified information is a privilege which the state has a right and duty to restrict".

Copeland and Webber (2006, p. 16) take issue with "the false dichotomy between public and individual interests" that often lies at the heart of national security discourses. Rather than agreeing with the 1969 Royal Commission's weighting of security vs. freedoms, Copeland and Webber argue that "this tension is an artificial creation, designed to make observance of legal and constitutional rights appear to be an unaffordable indulgence in the fight against terror" (ibid, p. 16). Instead, they propose that fair and open trials and other freedoms exist to protect societal interests, including the interest of ensuring government accountability. Moreover, Copeland and Webber (ibid, p. 17) argue that the damage associated with 'executive errors supported by the judiciary' that unreasonably infringe on individual rights in the name of national security have more than a domestic impact; they can prompt worldwide protest and reaction that may contribute to further tension and instability. Despite this, they note that the security-

liberty continuum and the weighting of security as the higher priority are long-standing features of Western national security thinking.

The practical implications of this approach are that individuals described by the state as security threats are subject to increased surveillance and scrutiny, including wiretapping and electronic surveillance. This was the case during the Cold War, and it is the case in the post-September 11 context, where provisions of the *Security of Information Act (C-24)* and the *Anti-Terrorism Act* allow for additional surveillance and investigative powers for police and security agencies. For example, the Government of Canada has recently declared its intentions to move forward with 'Lawful Access' legislation, which will effectively make Internet Service Providers intelligence assets and streamline the state's access to electronic communications related to national security campaigns (see http://canada.justice.gc.ca/en/news/nr/2003/doc_30960.html, retrieved 11/10/2006).

In the post-September 11 context, the effects of the 'cutting out' process for designated 'national security threats' appear to operate at the level of what Goffman (1963) described as a 'Master Status' form of stigmatization. The application of the security threat label has wide-reaching effects on the social and economic status of a given individual. This stigma continues to exist even after the individual is exonerated of any national security-related charges, which blocks opportunities for gainful employment and maintains the aura of suspicion that is associated with security campaigns. For evidence of this prolonged 'cutting out' effect, Canadians need look no further than the case of Maher Arar, the Syrian-born Canadian who was subjected to 'extraordinary

rendition' to Syria by American authorities under (erroneous) suspicion of involvement with a terrorist group.

Mr. Arar spent approximately one year in Syrian custody, during which time he describes being subjected to beatings and torture. Upon his return to Canada, media and political pressure prompted the Government of Canada to initiate a formal Commission of Inquiry into the experience of Mr. Arar, particularly the role played by Canadian officials. The Commission was tasked with two specific mandates, the first being a fact-finding mission - "To investigate and report to the Commission on Mr. Maher Arar's treatment during his detention in Jordan and Syria and its effects upon him and his family" (Toope, 2005, p. 3) - and the second the development of a set of recommendations regarding RCMP oversight.

The final report of the Commission is forthcoming, but the results of the fact-finding mission have been published. Written by Professor Stephen J. Toope, the official Fact Finder of the Inquiry, the fact finding report describes Mr. Arar's experiences before, during, and after his detention in Syria. The report makes specific mention of the impact of the ordeal on Mr. Arar's economic standing. Once a successful engineer, Mr. Arar is now unemployable. Toope (2005, p. 22) describes this outcome:

> Although the psychological effects of Mr. Arar's detention and torture in Syria have been serious, the economic effects have been close to catastrophic, at least from the perspective of a middle class engineer who has had to rely on social assistance to feed, clothe and house his family. Every person I interviewed who knows Mr. Arar well stressed that his inability to find a job since returning to Canada has had a devastating effect upon both his psychological state and his family finances.
>
> Mr. Arar told me that his lack of employment was "destroying" him. Dr. Mazigh noted that it was a source of tension between her and her husband. She was encouraging him to look as widely as possible for any job, whereas he was still fixed upon finding a job in his field, computer engineering. Dr. Young believed that Mr. Arar's employment status was one of the "most distressing" aspects of his current situation. ... When he has been able to speak directly with

> prospective employers, some of his advisors told me that he has been dealt with abruptly and coldly. In various contacts it has been made abundantly clear that he is not hireable because of his negative notoriety.

The case of Maher Arar illustrates the net effect that the 'security threat' designation can have upon an individual, at the psychological, social, and economic levels. To be described as a threat to the national security of Canada (or indeed, any Western nation) is to be assigned the status of pariah, for a seemingly indefinite period of time. Kinsman et al (2000) describe this as being 'cut out' of social and political activity.

While the individual in question may be the one who is 'cut out' in this manner, it should be noted that, as with the application of any deviant status, a spillover or 'halo' effect accompanies the 'security threat' label. The family, friends, colleagues, social organizations, and businesses associated with persons identified as 'security threats' are often made victims by association, through the scrutiny of state security agents and the media.

Indeed, the initial justification US authorities provided for detaining Maher Arar, the source of the charge that he had alleged links to Al Qaeda, was apparently an old apartment lease witnessed by Abdullah Almalki, another Canadian of Syrian origin who was imprisoned (and later released and acquitted of all charges) in Syria (MaherArar.ca, 2006). At the time, Mr. Almalki was a person of interest to US security and intelligence services, and their dragnet had turned up the document establishing a link between him and Arar. Based on this material, and his own Syrian origins, Mr. Arar became understood first as a suspect, and then a 'national security threat' worthy of clandestine rendition to Syria. This is an instructive example of how the rules and procedures that apply to policing investigations can be bent, broken, and ignored when national security

imperatives are invoked; while it is understandable for police to question the social networks of suspected criminals, the checks and balances that govern this sort of inquiry appear to be eroded or altogether absent during a national security operation. The 'halo effect' of an individual's designation as a 'security threat' can linger, and it can cause other individuals to be 'cut out' by association.

National security –related discourses, policies, and practices affect the public at a number of levels, only one of them being through the direct labeling of individuals as 'security threats'. Moving outwards from the micro level, it is possible to describe a category of individuals and groups who represent 'potential threats' to the security of the nation, as it is understood by state agents. The line between potential threats and labeled individuals is a thin one, and often crossed. The aforementioned inclusion of Maher Arar in the Almalki dragnet by dint of his background is an example of this. It is important to note that the pool of 'potential threats' is elastic, and sensitive to both macro historical context and specific situational dynamics. For example, the 1969 Report of the Royal Commission on Security describes homosexuals as potential security threats, particularly if they are employed in the public service, due to the belief that their character makes them "more readily compromised than non-deviate persons" (p. 36). This belief directed some aspects of national security during the Cold War period. At a more specific level, contemporary efforts to combat suicide bombing through a precautionary principle have produced policies that offer checklists of 'bomber characteristics', to be used for profiling and early detection purposes. The International Association of Chiefs of Police (IACP) Training Key no. 581, for example, instructs officers to be vigilant, and to look for the following characteristics that are associated with suicide bombers:

- The wearing of heavy clothing, no matter what the season. Long coats or skirts may be used to conceal explosive belts and devices.
- An unusual gait, especially a robotic walk. This could indicate someone forcing or willing himself or herself to go through with a mission.
- Tunnel vision. The bomber often will be fixated on the target and for that reason will look straight ahead. He or she also may show signs of irritability, sweating, tics, and other nervous behavior. (The Al Qaeda terrorist Ahmed Ressam, who was captured at a border crossing in Washington state while driving a car filled bomb-making materials, caught the attention of authorities because of his excessive sweating, furtive eyes, and other nervous movements.)
- The appearance of being drugged. The suicide truck bomber who attacked the U.S. Marine Barracks in Beirut in 1983 had been drugged before the attack and was tied to the seat of his vehicle.
- Signs of drug use—including, for example, enlarged pupils, fixed stare, and erratic behavior.
- Bags or backpacks (used to carry explosives, nails, and other shrapnel). The bomber generally holds his or her bag or backpack tightly, sometimes gingerly, and may refuse to be separated from it.
- A fresh shave—a male with a fresh shave and lighter skin on his lower face may be a religious Muslim zealot who has just shaved his beard so as not to attract attention, and to blend in better with other people in the vicinity.
- A hand in the pocket or tightly gripping something—this could be someone clutching a detonator or a trigger for an explosive device. Such triggers, which may be designed in the form of button, usually are rather stiff so that they may not be set off accidentally. (One Israeli acquaintance described how he and several guards shot a would-be bomber numerous times, but found his twitching finger still on the button—and still posing a danger, thereafter.)
- Evasive movements. It seems obvious that anyone who tries to avoid eye contact, or to evade security cameras and guards, or who appears to be surreptitiously conducting surveillance of a possible target location, may be a bomber. (International Association of Chiefs of Police, 2005, p. 5).

This list assumes that the potential suicide bomber belongs to a general category (Fundamentalist Muslims), but it focuses on specific situational characteristics such as individual behavior, clothing, and appearance. The IACP and other security agencies advocate a 'shoot to kill' policy when dealing with potential suicide bombers, as the world became aware of on July 22, 2005, when London police fatally shot a Brazilian electrician in the Underground. Jean Charles de Menezes was not a suicide bomber, or indeed in any way involved with any terrorist activities, but he did exhibit the right (or

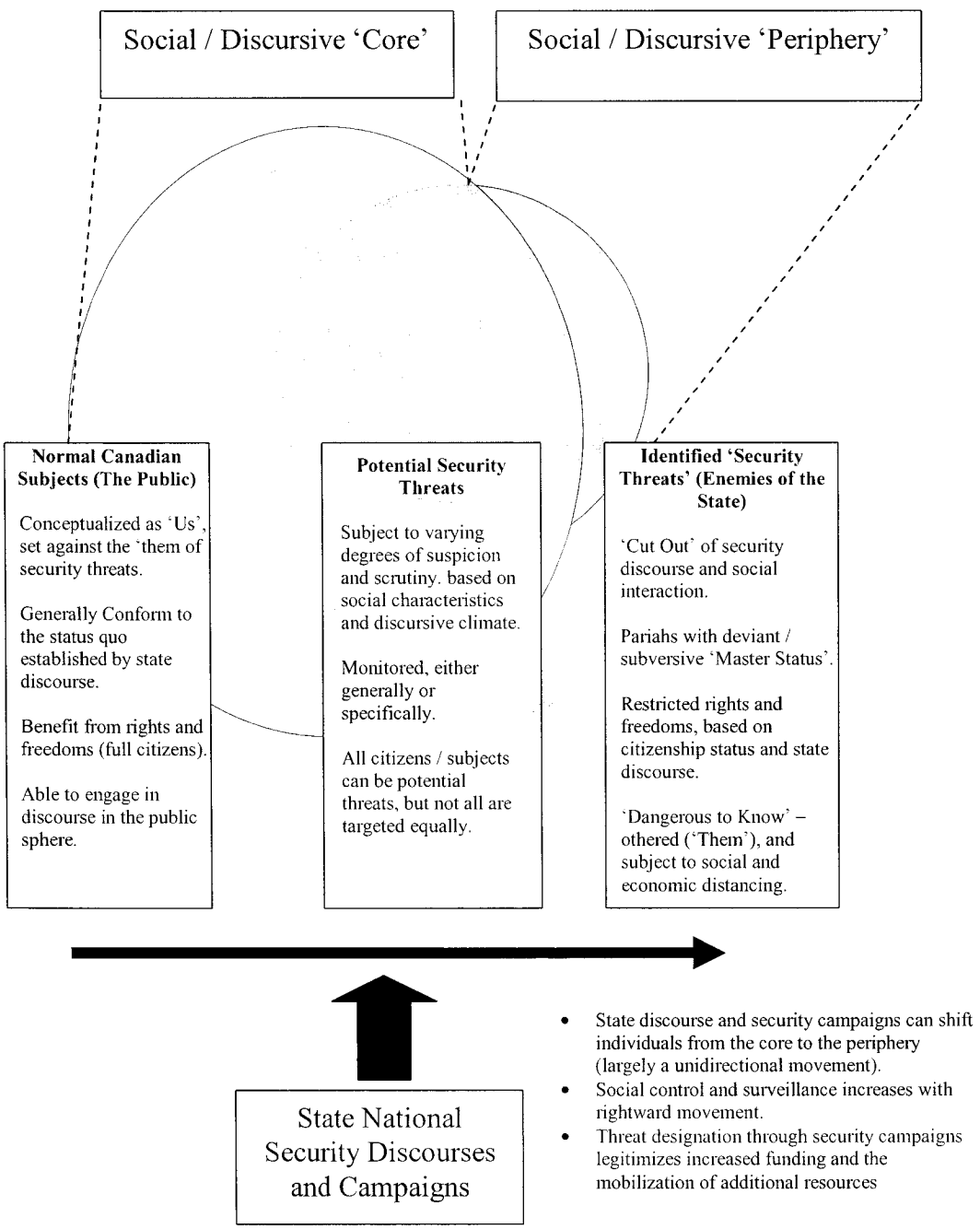
wrong) characteristics and behaviour, at the right time and in the right location. Mr. de Menezes was initially identified as a potential security threat, rapidly assessed to be a probable security threat, and killed in accordance with police policy.

The pool of recognized 'potential security threats' is never a representative cross-section of a given population at a given time. To a certain extent, this is understandable, but security campaigns are often accused of (and found to be) selectively applying their scrutiny in a manner that equates to racial profile or discrimination based on belief, ethnicity, or lifestyle (Kinsman et al, 2000, p. 279). To return to Kinsman et al's (2000) concept of national security as an ideological mechanism for sorting subjects into 'core' and 'periphery' groups, it can be argued that security discourses and policies provide the criteria on which sorting decisions are based and the ideological justification for the categorization process.

Kinsman et al (2000) do not provide a visual aid for their conceptualization, but their language conjures an image of concentric circles, with the 'core' of society in the centre and the 'periphery' along the outer margins. Another way to visualize this model, and the one that I prefer, is as two overlapping circles (see Figure 1). The larger circle represents the social and discursive 'core', described by Kinsman et al (2000, p. 279) as "normal," "proper" Canadians. Intersecting it is a smaller circle, representing the targets of state security campaigns. The area where the two circles overlap – and this area is subject to flux based on socio-historical context and specific events and discourses – is populated by those individuals and groups who meet the criteria necessary to be designated as 'potential security threats'. The small area that exists completely outside the bounds of the 'core' circle represents the true periphery – those individuals like

Maher Arar, Abdullah Amalki, and Mohammad Harkat who are openly described as threats to the security of the Canadian nation.

Figure 1 - Core, Peripheral, and Transitional Positions in National Security Discourses - Based on Kinsman et al (2000).



Benjamin and Simon (2005, p.p. 122-125) propose a more simplistic and context-specific version of this model (albeit with the positions of 'core' and 'periphery' reversed) to describe the pool of potential recruits into what they describe as the global jihad movement. They argue that

> In thinking about terrorism, it is useful to keep in mind a simple image: two concentric circles, one very small, one very large. The inner circle represents those who are committed to carrying out acts of terror or actively supporting those who do [...] The outer circle represents the universe of those who might migrate into the inner group (ibid, 126).

While Kinsman et al (2002) and Benjamin and Simon (2005) both use imagery to describe the categorization of security threats, the focus of their analyses differs greatly; the former treat national security as a socially constructed concept and seek to explore the manner in which it is used by the state, and the latter begin from the position that security threats (specifically Islamic jihadi terrorism) are *real*, and that individuals become threats by migrating from a position of potential disaffection to a position of radicalism. Benjamin and Simon (2005, p.p. 124-126) do acknowledge that the actions of the state in relation to this 'outer circle' of potential threats can be a source of radicalization, and they cite American cases of racial profiling and infringements upon the civil liberties of Muslims as examples of this. Kinsman et al's (2000) model is more nuanced and receptive to the role of discourse, but a combined approach would provide a theory of threat categorization sensitive to the actions of the state *and* the decisions of individuals.

Regardless of the conceptual framework we choose to apply, it is evident that there are certain implications associated with the status of 'potential security threat'. In some ways, these implications overlap those of the 'identified security threat'; for

example, those who fit a standing security risk profile are subject to increased surveillance and scrutiny by state agents, and their actions are monitored with greater suspicion than those of citizens with 'core' or mainstream status.

The expansion of the (in)security mentality – that is, the pervasive awareness of national security issues and potential security threats as a component of one's lived reality – has been such that *all* citizens, even those who are epitomize what Kinsman et al (2002) describe as 'loyal Canadian subjects', are in some contexts treated as potential security threats by virtue of passive or preventative surveillance activities. The universal expansion of security measures at airports offers the most widely-known example of this experience. Wait times and visible security have increased, and efforts are made to ensure that screening activities are systematic and uniform. Testimony from citizens such as Maher Arar, and other Canadians of Middle-Eastern background, indicates that some groups are subject to more suspicion than others in these settings, and it is not unusual to hear statements describing a decreased willingness to travel, for fear of disproportionate scrutiny at borders and checkpoints.

In a 2005 (contracted) study entitled 'Presumption of Guilt', The Canadian Council on American-Islamic Relations (CAIR CAN) explored the disproportionate targeting of Canadian Muslims as potential security threats, measured through experiences involving visitations by CSIS agents. The study used a survey methodology (with questionnaires randomly distributed at mosques across Canada, a sample size of 467 participants, and a total of 211 completed paper surveys – in addition to 256 completed online surveys) to compile a perspective on the tactics used during security visitations in Muslim communities. The results of the study are indicative of some of the

implications of the 'potential security threat' designation in the post-September 11 context, and of the selective application of this status to specific risk communities.

CAIR CAN found that 8 percent of their survey respondents were questioned by security officials, and that these individuals were disproportionately young Arab males (2005, p. 3). Reported tactics employed by CSIS and other security agents included "discouraging legal representation, aggressive and threatening behaviour, threats of arrest pursuant to the *Anti-Terrorism Act*, visits at work, intrusive and irrelevant questioning, improper identification, informant solicitation and the interrogation of a minor" (ibid, p. 3). As members of a community and representatives of a population segment that has become the focus of contemporary security campaigns, these individuals reported that the increased scrutiny and suspicion directed at them – and at their community in general – by security officials served to produce feelings of alienation and loss of trust (ibid, p. 22).

In conclusion, it is important to highlight a few salient observations about the way in which national security is conceptualized and 'done' in Canada. To begin with, it is clear that both academics and policymakers have been struggling with the definition of security for decades, and that this struggle continues in the present security climate. While the concept of state sovereignty and the defence of 'national interests' against spies and subversives characterized Cold War security campaigns, the continuing expansion and contraction of security discourses has shrouded the very idea of 'security' in ambiguity in the contemporary context. Despite the proliferation of research and policymaking grounded in conceptualizations of human security, the history of national security reflects a tendency to deploy the term in reference to the interests of the state, in some cases at the expense of the broader interests of the nation. In addition to this

conceptual ambiguity, it must be noted that national security campaigns have been – and continue to be – grounded in the identification of enemies and threats, and the development of initiatives geared towards watching, apprehending, and neutralizing these threats. The rhetorical mechanisms used to describe the nature of enemies of the state and threats to national security have undergone shifts in focus since the Cold War, but at their core, they remain remarkably unchanged. Then, as now, state security campaigns have involved the construction of a threatening 'other' whose actions must be appreciated as threat to both the safety of individuals and the existential survival of the nation. A component of this project's analytical approach relates directly to the conceptualization of 'national security' in contemporary Canadian state discourses, and the findings of this study become more salient when they are considered in light of the history of security discourses in Canada.

2.3 Discourse, and Talking About Terrorism

A review of the literature identifies two broad types of resource on the concept of 'discourse' that are of relevance to this study. The first type of literature deals with the nature of 'discourse', particularly in relation to discourse analysis methodology. The second deals with specific applications of discourse analysis to terrorism in the post-September 11 context. A consensus exists within the literature that it is important to study discourse in relation to terrorism and national security, as it has direct policy implications (Borradori, 2003; Coady, 2004; Graham et al, 2004; Jenkins, 2003; Lazar & Lazar, 2004; Leudar et al, 2004). General observations regarding discourse in the post-September 11

context often resemble Derrida's argument that the post-September 11 political climate is dominated by attempts to control the discourse on terrorism (Borradori, 2003).

A number of conceptualizations of 'discourse' are identified in the literature. Neubert & Reich (2002) propose that three levels of abstraction can be applied to the concept of discourse. At the simplest level, it can be understood as the communication of meaning through speech; at a more sophisticated level, it can refer to the organization of concepts corresponding to a particular scientific school of thought or epoch; at the most abstract level, it can refer to the macro-level symbolic ordering of processes of meaning and understanding (ibid). Neubert & Reich (2002) describe a constructivist model of discourse analysis, characterized by a focus on the dual processes of discursive reproduction and discourse evolution. Hoenisch (2004) focuses on the micro-level application of 'discourse' as a concept that refers to language games. Using a Wittgensteinian model as his basis, Hoenisch describes the goal of discourse analysis as the description of given language games, and the identification of corresponding rules, boundaries, players, coaches, and referees. Meaning, according to this approach, is not invested in words, but in their application through speech (ibid).

The concept of 'discourse' is a key component of Habermas' (1984) *Theory of Communicative Action*. Discourse, according to Habermas, is a particular type of claims-making interaction that takes place when

> ... the meaning of the problematic validity claim conceptually forces participants to suppose that a rationally motivated agreement could in principle be achieved, whereby the phrase "in principal" expresses the idealizing proviso: if only the argumentation could be conducted openly enough and continued long enough (Habermas, 1984, p. 42).

Using this definition, 'discourse' is related to claims-making, specifically when the speakers resort to reason and the power of the better argument to establish their claims as being 'true'. He carries this line of inquiry through to his discussion of language, noting that, in cases of communicative action, language allows individuals to negotiate the definitions of a situation with reference to their objective, social, and subjective worlds (Habermas, 1984, p. 95-96).

Richard Kearney (2002) also describes narrative as an essentially communicative act, where an audience is always implied, and convincing is as important as informing. This provides an effective entry point into the understanding of discourse as an act of storytelling; narratives are stories, and they are spoken, shared, taken in, retold, and reshaped through processes that give them meaning and power. As with any powerful narratives, stories about terrorism and national security can draw upon mythological concepts and themes in order to increase their impact and legitimacy. Indeed, the post-September 11 discourse on national security is saturated with themes of good and evil, civilization and barbarism, justice and retribution, terrorism and heroism, and suspicion and intrigue.

Foucault's (2003) concept of 'discourse' is similar in some ways to that of Habermas, in that it involves negotiated meaning. However, while Habermas grounds his discussion in the principles of reason and validity, Foucault engages discourse at the level of strategic intelligibility; that is, he characterizes discourse as a battle, a method of control, qualification and disqualification. He elaborates:

> Discourse – the mere fact of speaking, of employing words, of using the words of others (even if it means returning them), words that the others understand and accept (and, possibly, return from their side) – this fact is in itself a force. Discourse is, with respect to the relation of forces, not

> merely a surface of inscription, put something that brings about effects (Foucault, 2003, p. xx)

This strategic conceptualization if discourse is highly relevant to an analysis of claims-making regarding terrorism, as it presupposes that the actors involved have specific motives governing their selection of words and their explanation of concepts.

Scholarship on discourse related to the 'war on terror' has focused on a number of specific rhetorical techniques that are used by claims-makers. Certain manipulations of language and the deployment of particular concepts and descriptors are analyzed for their potential impact on public opinion and policymaking. Some examples of this include Graham et al's (2004) research on the impact of 'call to arms speeches', Lazar & Lazar's (2004) exploration of the use of 'enemy other' discourses in relation to the 'war on terror', Leudar et al's (2004) comparison of 'us and them' rhetorical distinctions in contemporary terrorism narratives, and Dunmire's (2005) discussion of the construction of the future that characterizes dominant discourses on national security.

Graham et al (2004) analyze the historical application of 'call to arms' speeches, using a discourse analysis approach. They undertake their research out of an interest in finding the historico-discursive precedents for Bush's declaration of a 'war on terror', and they find that the rallying speeches of Pope Urban II, Queen Elizabeth I, Adolf Hitler, and George W. Bush share similar characteristics. Four common elements include

> (i) an appeal to a legitimate power source that is external to the orator, and which is presented as inherently good; (ii) an appeal to the historical importance of the culture in which the discourse is situated; (iii) the construction of a thoroughly evil Other; and (iv) an appeal for unification behind the legitimating external power source (Graham et al, 2004, p. 199).

Graham et al (2004, p. 200) observe that 'call to arms' speeches are characteristic of crises of political legitimacy. They are rhetorical devices that appear in political discourse

in order to exhort a populace to mobilize against a threat that is external to their personal aims (as identified by a political leader); and they utilize revolutionary language in order to mask a reactionary attempt to preserve the status quo. Of note, Graham et al (2004, p. 201) observe that, historically, the use of 'call to arms' speeches actually serves to undermine the legitimacy of the status quo they are intended to maintain (ibid, p.203). They provide strong support for both the historical prevalence of the 'call to arms' discourse, and the elasticity of this discourse within different social contexts. Graham et al (2004, p. 215) conclude with a discussion of the role of discourse and discourse analysis in the post-September 11 context. If, as this study illustrates, there are common discursive methods used throughout history to exhort people to die for external causes, it follows that discourse analysis may also reveal mechanisms to encourage peace on a similar scale. The challenge for discourse analysts is therefore to balance their study of hegemony with a study of emancipation. The authors propose that this is particularly the case in the present context, where structures of power are so intimately tied to discursive constructs (ibid, p.217). Ultimately then, the case is made for a praxis-oriented study of discourse, with a new focus on policy construction (as opposed to deconstruction).

If Graham et al's (2004) work could be described as an exploration of the discursive mechanisms associated with *mobilization*, Lazar & Lazar's (2004) research can be understood as an exploration of the mechanisms of *differentiation*. Their specific focus is on the use of 'othering' discourse in the context of the 'war on terror'. This is a highly relevant topic, especially considering the close association between Canadian national security campaigns and the identification of state 'enemies'. Using a discourse analysis methodology, they find that US presidential speeches dating from the Cold War

to the 'war on terror' feature a common theme in that they base foreign policy on the conceptualization of an 'enemy other'. This allows for the dichotomization of groups of 'us' and 'them', a discursive tool that facilitates aggressive foreign policy (Lazar & Lazar, 2004).

Lazar & Lazar are particularly interested in the discourse of the 'New World Order', and the speeches made by present and past US Presidents that seek to establish definitions of moral order in relation to the twin 'threats' of Osama bin Laden and Saddam Hussein. They conclude that a discursive process of macro-level 'out-casting' (also referred to as 'othering in the scholarly literature) is taking place, and that it involves four micro-strategies of 'enemy construction', 'criminalization', 'orientalization' and '(e)vilification', all which rest upon a logic of binarism (or dichotomization, which is consistent with the findings of Leudar, Marsland, and Nekvapil). The authors propose that this tendency to reduce relationships to binary opposites perpetuates conflict in a globalized world (Lazar & Lazar, 2004, p.223).

The concept of the 'New World Order' was first used by George Bush Senior in 1991. Lazar & Lazar describe the genesis of this term as the product of the convergence of a number of factors: (i) the end of the Cold War, (ii) the determination of the United States to retain its superpower status, and (iii) the emergence and articulation of 'new' threats (ibid, p.225). In essence, this term was used to justify the maintenance of the American status as the sole global superpower. The threat of terrorism was described as the new 'enemy' that required the persistence of an authoritative American presence on the world stage. Lazar & Lazar embrace Foucault's assertions on enemy formation when they acknowledge that the American model of moral authority requires the juxtaposition

of American values with those of an 'enemy other' (ibid, p.227). Several examples of presidential speeches that support this conception of the discourse are presented. For example, the authors show that the last three American presidents have, despite their political differences, all used the same rhetorical structure to create the enemy other:

> in every generation, the world has produced *enemies* of human freedom (Bush, 2001);
> on September 11th, *enemies* of freedom committed an act of war against our country (Bush, 2001);
> Saddam Hussein and the other *enemies* of peace (Clinton, 1998b) (ibid, p.227).

Lazar & Lazar conclude their article by acknowledging the utility of binary reductionism as a political and hegemonic tool. It promotes a reified belief in the existence of concrete and specific threats (represented by Hussein and bin Laden – and we could add the 'terrorist infiltrator' or 'homegrown terrorist' to this list); it also allows this recognition of specific threats to be turned into a general concept of an undifferentiated enemy (the 'them' that opposes 'us'); it allows for the use of simplistic and powerful terminology that emphasizes good and evil, right and wrong; and it serves the political purpose of demanding similarly unequivocal allegiances from American allies in the 'war on terror' (ibid, p.239). As a final conclusion, they note that the moral-authoritative discourse of the New World Order may actually *bring about* a 'clash of civilizations', by virtue of its use of Christian moral overtones of good and evil. Such simplistic dichotomizations can only serve to widen gaps and increase differences between stakeholders in the discourse on terrorism.

Leudar et al (2004) also investigate the discursive process of 'othering' that is characteristic of narratives on terrorism. Rather than examining a historical sample of US presidential texts, they cast a wider net and analyze discourses from the UK and the

speeches of Osama bin Laden and Saddam Hussein. They find that a common discursive theme running through all of the sample texts is the reference to 'us' and 'them' as a means of legitimizing policy (Leudar et al, 2004). The implication of this finding is that, in discursive terms, everyone is simultaneously constructed as both an 'us' and a 'them'.

Leudar et al use a Membership Categorization Analysis (MCA) methodology to establish how the key players in the discourse on the 'war on terror' have represented world events and the other stakeholders involved. Specifically, they examine public addresses that were made by US President Bush, British Prime Minister Blair, and Osama bin Laden shortly following the 9/11 attacks. The key theme that was found to underlie all three samples of the discourse was a distinction between 'us' and 'them' that was used to rationalize past violent actions and prepare the audience for future ones (ibid, p.243). While Bush and Blair used political and moral terminology to make this distinction, bin Laden achieved the same effect through the use of religious terms.

The Membership Categorization Analysis methodology is was first developed by Sacks during the 1960s (and refined by others since, see Leudar et al, 2004). This framework proposes that people make sense of the world around them by categorizing observed phenomena into mental categories (in a way that is similar to some symbolic interactionist approaches to criminology). The MCA framework stresses that this categorization is not only utilitarian from a cognitive perspective, but designed to assign certain political or cultural significance to certain phenomena. This explains the authors' conclusions that the language used to make sense of the September 11 event supports certain policy conclusions proposed by each speaker (ibid, p.p.243-244). This framework

offers a unique way of explaining the process of 'othering' that is so often seen in discourses on terrorism and national security. Ledudar et al find that Bush's speeches are characterized by the consistent use of rigid dichotomizations such as 'us' and 'them', 'attacked' and 'attackers', and 'good' and 'evil' (ibid, p.251). Their findings support the assertion that the texts of the speakers are remarkably similar in discursive structure and purpose, featuring themes of condolence and blame, condemnation and mobilization, and the development of an 'us / them' dichotomy (ibid, p.262). Rather than view these discourses as separate bodies, the authors propose that, in the context of the September 11, 2001 events, each speaker (and theoretically his constituency as well) is simultaneously the 'us' of his own discourse and the 'them' of the opposing discourse.

Patricia Dunmire (2005, p. 481) also investigates the ideological component of political discourse, in this case focusing on the representation of the future in official speeches on terrorism and national security. Like Lazar & Lazar (2004) and Leudar et al (2004), she focuses on a sample of key texts – specifically, US President Bush's October 7, 2002 speech that presents the White House's rationale for the Iraq War. Dunmire proposes that "through their ideological function, dominant political discourses supplant the notion of the future as the site of the possible with a conception of the future as inevitable and, thereby, undermine the future as a site through which political change can be imagined and, ultimately, realized" (Dunmire, 2005, p. 482). In the case of the 2002 Bush speech, she finds that the use of rhetorical devices that describe the future as a context dominated by inevitable threats posed by terrorism creates a universalizing and epistemic understanding of future possibilities; current actions are described as pre-emptive responses to inevitable future threats whose nature is ambiguous and abstract.

Among Dunmire's conclusions is the observation that the ability of the US administration to garner public support for the War in Iraq demonstrates the power of political discourses about the future. By authoritatively describing what the future *would be* (not *might be*) if Iraq was left to its own devices, Bush was able to set a new precedent for pre-emptive war, grounded in a strategy of averting hypothetical dangers. Dunmire's discussion illustrates the central role that discourse plays in contemporary national security policy.

2.3 'The Post-September 11 Context'

The final concept discussed in this review is the novelty of 'the post-September 11 context' and the politico-discursive phenomenon of the 'new normalcy'. It is evident that, in the wake of the September 11, 2001 terrorist attacks on the United States, Western societies have undergone a series of changes in the name of anti-terrorism and national security. Examples of these changes include the 'war on terror', the Canadian *C-36* Anti-Terrorism legislation, the *USA PATRIOT Act*, and a generally heightened level of awareness regarding terrorism in the international media. The evolving nature of this context means that the full extent of its implications is not yet observable. Nevertheless, two broad themes regarding the nature of the post-September 11 context are present in the literature. The first, and most prevalent theme can be categorized as the 'everything has changed' thesis, which proposes that the September 11, 2001 attacks symbolized the birth of a new era (Baudrillard, 2003; Beck, 2003; Derrida in Borradori, 2003; Coady, 2004; Dedeoglu, 2004; Rudner, 2002; Stevenson, 2001; Van Munster, 2004). The competing theme can be categorized as supporting a 'more of the same' thesis, which

proposes that the changes that have taken place since September 11, 2001 are understandable as extensions or cyclical re-visitations of previously-existing processes (Ignatieff, 2004; Lazar & Lazar, 2004; Morton, 2002; Whitaker, 2002). As was the case with previous conceptual categorizations, these camps represent ideal types, and each author's argument exists somewhere on the spectrum between the two.

Observations identified in support of the 'everything has changed' thesis are often related to the differentiation between 'old' and 'new' forms of terrorism mentioned earlier in this review. Beyond a discussion of the prevailing from of terrorism, supporters of this perspective make a number of additional arguments. Baudrillard (2003) proposes that the nature of hegemonic globalization has defined the post-September 11 context as a conflict between universalism and singularity, on a scope that was not previously imaginable. Beck's (2003) discussion of Global Risk Society proposes that the post-September 11 context is characterized by the failure of traditional state-based concepts such as 'war', 'crime', 'enemy', 'victory', 'attack', 'defense', and 'terror' to describe events in the new geopolitical context. Borradori's (2003) extensive dialogues with Habermas and Derrida provide several arguments in support of the 'everything has changed' thesis. Derrida, for example, notes that the type of terrorism characteristic of the post-September 11 context is designed to produce a terror of the future, to the effect that there is a prevailing assumption that the 'worst is yet to come' (Borradori, 2003). Coady (2004) proposes that the post-September 11 context is seeing the erosion of the Just War philosophy, due to the breaking down (by all parties) of the distinctions between legitimate targets and noncombatants. Dedeoglu (2004) supports the 'everything has changed' thesis by noting that the legal 'rules' of the game have changed drastically

following the September 11, 2001 attacks, with the codification of new concepts of terrorism, terrorist, and terrorist entity in national and international laws.

Supporters of the 'more of the same' thesis typically draw upon historical parallels to argue that the apparent changes that have occurred in the post-September 11 context are not without precedent in the history of antiterrorism and national security. Ignatieff's (2004) general position is located between the two schools of thought, but he provides a historical argument that illustrates the past willingness of citizens in Western nations to forego their civil rights in the name of increased security during times of crisis. Furthermore, he argues that the processes of 'othering', and the willingness to invoke extraordinary legislation during national security crises are characteristic of state responses to perceived threats (Ignatieff, 2004). Kinsman et al (2000) provide a historical analysis of Canadian state responses to national security threats, and they support the argument that 'othering' and 'enemy creation' are common features of Canadian policy. Lazar & Lazar (2004) also note that the polarized nature of the 'war on terror' is a common (albeit intensified) characteristic of national security discourses, which rely on the maintenance of a theoretical 'enemy other'.

This review has identified the prevailing themes present within the literature relating to the concepts of terrorism, national security, discourse, and the post-September 11 context. General areas of consensus have been described, such as the agreement over the nature of 'old' and 'new' models of terrorism, the importance of discourse to counterterrorism and national security policy, and the substantive policy changes that have accompanied the post-September 11 context. Major disagreements have also been identified, including the debate over the definition of terrorism, and the competing

'everything has changed' and 'more of the same' theses regarding the nature of the post-9/11 context.

In addition to these conceptual observations, three general conclusions arise out of a review of the literature. First, it is evident that there is a lack of Canadian research in this area, particularly as regards empirical research on the impact of Canadian policies on stakeholder groups. The Canadian national security environment is changing dramatically in the post-September 11 context, specifically in relation to our partnerships with our American neighbours, and the academic community has not kept pace. It is the hope of the author that this study will provide fuel for research in this area.

A second observation regards the comparative rush of foreign academics (particularly American and European scholars) to draw conclusions regarding the nature of the post-September 11 context, despite its continuing evolution. Returning to the retrospective comments made by Foucault discussed in the first chapter of this study, it is clear that the conclusions that have been and continue to be drawn about the nature of September 11, 2001 – and about its significance as a point of departure – do not benefit from the historical distance that separated Foucault from his subject. In many ways, this is to be expected; social science often involves the study of phenomena in transition and flux. However, claims made about the nature of the post-September 11 context or the 'new normal' seem to blur the descriptive and explorative nature of social theory with an unusually prescriptive understanding of a context that is still unfolding. One wonders if, collectively, we have given September 11, 2001 the opportunity to be understood as something *other* than the birth of a new era.

Finally, it must be noted that there is a distinct lack of outcome studies for 'new' security policies, specifically those that involve new forms of international and / or intersectoral partnerships. The abundance of theoretical and speculative literature on terrorism in the post-September 11 context, coupled with the lack of focused studies of national or international policies and their effects, provides a clear indication of the need and shape for future scholarship in this area.

3. Methodology

While the previous section identified a number of examples of content and discourse analysis-based research on terrorism, there is no available example of a content analysis of official Canadian state texts upon which to model this study directly. Accordingly, the methodological approach to this research is based on a set of coding schemes and analytical processes that are *informed* by the major themes and approaches that exist in the literature. The objective of this study is to identify the dominant characteristics of contemporary Canadian state discourses on terrorism, in the post-September 11 context.

Eligible discourses represent only a small component of the overall pool of available Canadian state material on this subject, as the conceptualization of 'discourse' that is relevant to this study presupposes a process of communication and argumentation in the public sphere. This means that internal memos, classified documents, inter-office emails, and other materials that were not specifically intended for public distribution are not considered relevant to this project. A parallel analysis of texts of this nature would be a fascinating area for future research, and offer valuable comparisons to the findings of this study.

To be considered an eligible sample of 'official state discourse on terrorism' according to this project's methodology, the text in question must represent an effort by the Canadian federal government or one of its component departments or agencies to communicate some sort of information about terrorism and / or national security to the Canadian public. Following Habermas' (1984, p.42) theory of communicative action, this project conceives of public-directed discourse about terrorism by the Canadian state as an effort to make, and in many cases defend (by virtue of explanation or authority) validity claims about the subject. Put differently, they represent attempts by the government to articulate to the public what terrorism *is*, and by relation, what ought to be done about it.

It is entirely possible – and indeed, likely – that the conceptualizations of terrorism and national security that are used internally by government departments and agencies differ from those described in state discourses. For example, Kinsman et al's (2000) review of extra-legal spying and 'dirty tricks' by security agencies during the Cold War offers one among many explorations of the ways in which Canadian security campaigns have operated outside of the acknowledged bounds set by law and state policy. Despite this, the importance of state discourses on terrorism and state narratives on security cannot be overlooked. Patricia Dunmire (2005) makes an excellent case for the ideological power and mobilizing potential of state descriptions of the future in regards to terrorism; Graham et al (2004) also argues that state discourses – this time in terms of calls to mobilize to protect the nation – have a tremendous impact on the public and on policy; Leudar et al (2004) and Lazar & Lazar (2004) demonstrate the importance that state discourses play in the construction of major themes regarding terrorism, such as archetypes of good / evil, us / them, and citizen / other. Kinsman et al (2000) support this

in relation to the 'cutting out' of state enemies through dominant ideological discourse, and most scholars of terrorism acknowledge the highly politicized nature of the application of the 'terrorist' label to particular groups.

What all of these observations have in common is a theory of discursive action that proposes a strong connection between discourse and policy, between talking about terrorism and successfully mobilizing public support for counter-terrorism campaigns. Dunmire (2005, p. 483) argues that one of the functions of political discourse is to implicate the public in a particular vision of reality. The effort to authoritatively (officially) describe a phenomenon such as 'terrorism' or 'security', and thereby implicate and mobilize the public in relation to a national security campaign, is the focus of this research project.

Bearing this objective in mind, the set of criteria for eligible discourse samples required that each sample:

1. Must originate from the Canadian federal government or one of its departments or agencies;
2. Must have a publication date between September 11, 2001 and September 11, 2005;
3. Must deal primarily with terrorism, national security, or a closely related topic;
4. Must be 'open source', and available to the Canadian public.

Twenty (20) discourse samples were selected based on the above criteria. This sample size represents a compromise between comprehensiveness and depth, in that it allows for a degree of analytical rigour to be applied to each text, but still includes sufficient texts as to offer a reasonable 'snapshot' of the available pool of material. In comparison, Dunmire's (2005) analysis is based on a single sample text, whereas Leudar et al (2004) opt to focus on a small set of texts (<10). Of the studies on discourse and

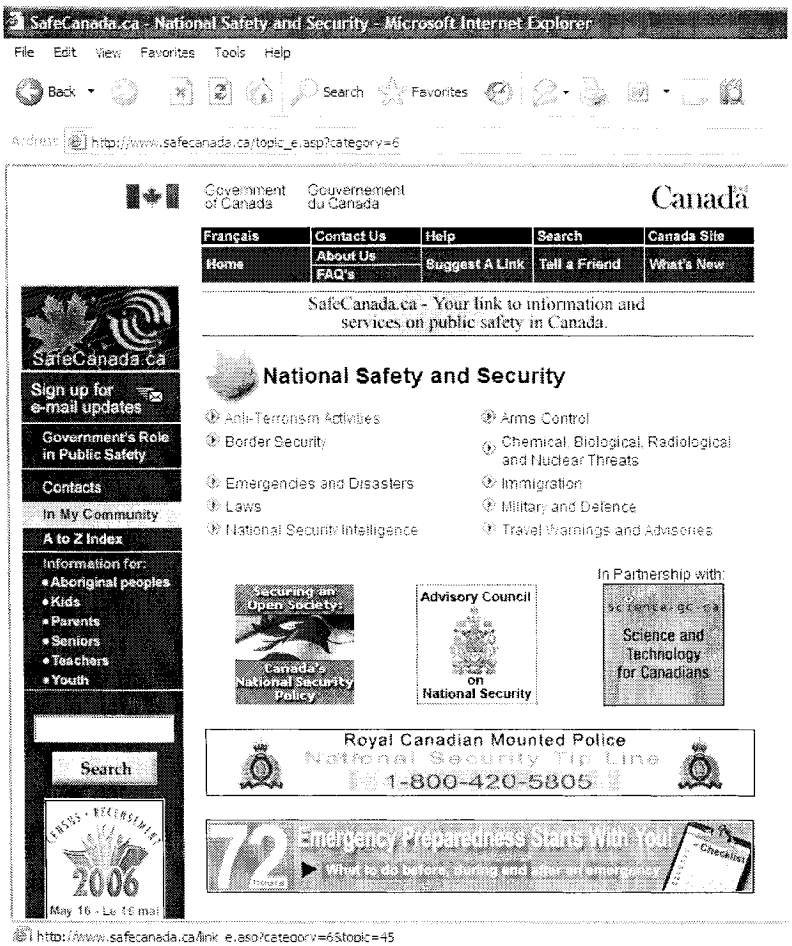
terrorism identified in a review of the literature, none emphasize the importance of the random selection of texts. Dunmire (2005), Leudar et al (2004), Lazar & Lazar (2004), and Graham et al (2004) all offer explanations for their deliberate selection of certain sample texts, including the historical significance or novelty of the discourse in question.

In terms of the nature of the samples selected for this study, a broad definition of 'discourse' is used. Policy documents, government white papers, laws and the preambles to legislation, public education pamphlets, program descriptions, and other examples of state-public communication are considered eligible if they fit the four aforementioned criteria. Each of these forms of text does represent an authoritative, communicative, and descriptive act on behalf of the government, and this allows for a much more in-depth analysis of the totality of state discourse on terrorism than would be possible with a focus on political speeches alone. Studies of American, British, or Iraqi discourse, or even the discourse of individuals such as Osama bin Laden benefit from what could be described as a demagogical climate of claims-making that is not apparent in Canada. The US President, for example, produces weekly – and sometimes daily – speeches on the 'war on terror', and on other matters related to national security. These speeches are archived and readily available in text or audio format on the White House website (www.whitehouse.gov). Canadian leaders have, by comparison, not engaged in anywhere near the same volume or frequency of speech on terrorism and national security – **but it would be erroneous to mistake this absence of demagoguery for an absence of official discourse on terrorism in Canada.** As previous sections of this study have demonstrated, the Canadian government has taken significant steps to respond to terrorism since the attacks of September 11, 2001, particularly considering the fact that

Canada was not the target of those attacks and has not been the target of terrorism since that time. These steps take the form of policy documents, pieces of legislation, and other dispatches to the public, and they collectively represent the pool of official Canadian discourses on terrorism.

The federal government has taken steps to make this information available to the Canadian public, including the creation of a 'clearing house' website on all matters related to security and emergency preparedness, SafeCanada.ca (www.safecanada.ca). The main page of SafeCanada.ca describes the site as "Your link to information and services on public safety in Canada" (Government of Canada, 2006). The site is primarily developed and maintained by the Department of Public Safety and Emergency Preparedness, Canada (PCEPC), a department created to coordinate Canada's new national security policy. Visitors to SafeCanada.ca are able to select information on a wide range of topics, including: Bullying, Criminal Activity/Policing, Emergencies and Disasters, Environmental Protection, Family and Home Safety, Financial Safety, Health Protection, Internet Safety, National Safety and Security, Product/Consumer Protection, Recreational Safety, School Safety, Transportation and Travel Safety, and Workplace Safety (Government of Canada, 2006). By selecting 'National Safety and Security', visitors arrive at a sub-menu of options that includes 'Anti-Terrorism Activities' (see Figure 2 – SafeCanada.ca – National Safety and Security Screenshot). The majority of the discourse samples used in this study are available as links or downloadable files from this site. As of May 5, 2006, the 'Anti-Terrorism Activities' site includes ninety-two (92) available links, each of which – providing it meets the four criteria of eligibility - leads to a sample of official state discourse on terrorism and / or national security.

Figure 2– SafeCanada.ca – National Safety and Security Screenshot



In selecting the twenty (20) samples that are analyzed in this study, an effort was made to choose texts from across the spectrum of agencies and departments, and from the four time ranges of interest (Septembers 2001-2002, 2002-2003, 2003-2004, and 2004-2005). Additionally, and drawing on the methodology of Dunmire (2005) and Leudar et al (2004), several key texts were chosen for their important status among Canadian discourses on terrorism; the 2001 *Anti-Terrorism Act*, 2004 Canadian National Security Policy, and the 2004 introduction to the Arar Commission of Inquiry in particular

represent important milestones in Canada's official discourse on terrorism in the post-September 11 context. See Figure 3 for an illustration of the discourse sample selection process that was employed.

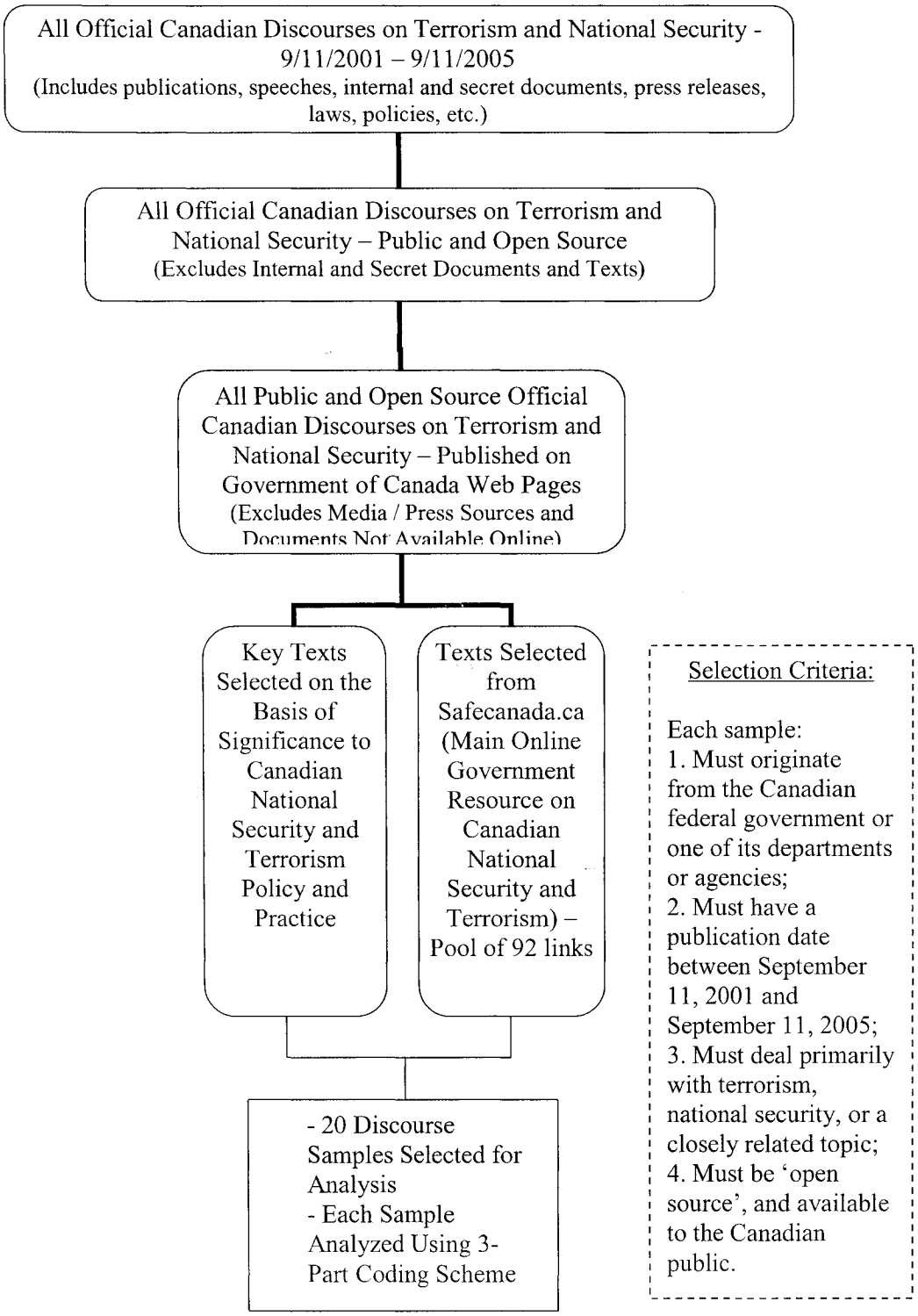
It should be noted that the methodological approach used for this study combines a broad definition of 'discourse' with a comparatively narrow selection process. This means that not all 'official' Canadian discourses on terrorism and national security that were directed towards a public audience had a possibility of being selected for analysis. The advantage of the selection process that was used is that it errs on the side of caution in terms of the public nature of a given discourse sample; all of the texts selected for analysis are available to the public, for free, on 'official' Government of Canada web pages, and the majority were selected from an information portal designed specifically for public education.

This approach excludes at least two important forms of 'official' discourse on terrorism and national security; it does not include comments made by public officials, politicians, and government representatives in the media, and it does not include unacknowledged but officially sanctioned 'leaks' about security reported by journalists. Including these discursive formats would have significantly broadened the scope of this study, but also added additional layers of complexity. Press releases, comments made during interviews, and recorded speeches and debates provide excellent venues for the observation of 'official' discourse in action, and future research on texts of this nature is absolutely necessary.

The same goes for media reported 'leaks' about terrorism and national security in Canada. Communications research and studies of the symbiotic relationship between the

state and the mass media often acknowledge the importance of sanctioned 'leaks' in the policy process, and it is legitimate to consider many leaks of this nature to be examples of the state making official discourse through unofficial channels. Jenkins (2003) emphasizes the particular significance of the state-media relationship in relation to terrorism, where secrecy and restricted access to specialized information are both barriers and bargaining chips in the journalistic process. Bearing this in mind, however, acknowledgement of a deliberate leak by the state is seldom forthcoming following a story, which makes it difficult to definitively establish the 'officialness' of discourses of this type. This is another area where future research is needed, and a combination of the findings from this study and the findings of research on material from media sources would allow for the development of a more complete picture of official discourses on terrorism and national security.

Figure 3 - Discourse Sample Selection Process



3.1 Major Themes of Interest

Each of the 20 discourse samples that were selected based on the above process and criteria was analyzed according to a set of coding schemes developed for the study, with the primary goal of identifying key themes related to national security and terrorism. To provide structure and direction for this process, a number of themes of interest were established, based on the reviewed literature on national security, terrorism, and the post-September 11 context. Five particular themes were identified.

The first theme is the *conceptualization of terrorism*. As a review of the literature on terrorism indicates, there is a great deal of contention regarding the best way to approach terrorism from an academic perspective. A number of frameworks, theories, and conceptual lenses are identified, each with its own strengths and weaknesses. The degree of ambiguity related to this concept in the academic literature makes it an ideal theme to look for in Canadian discourses. Current scholarship on the problem of conceptualizing terrorism within the academic literature emphasizes the popularity of risk-based approaches to policy. While risk is undoubtedly one of the key approaches to terrorism in academic and policy spheres, Schmid's (2004) acknowledgement that frameworks for understanding terrorism rarely operate in isolation must be kept in mind; the political and ideological aspects of terrorism and national security operate in conjunction with risk logics to form layered approaches to the phenomena, and the identification of these layers within a given discourse sample is a key component of this analytical scheme. Bearing this goal in mind, the conceptualization of terrorism associated with each discourse sample was approached by asking "What is the nature of terrorism, according to this text?"

The second theme is the *conceptualization of terrorism-related risks*. While the first theme is related to the construction of 'terrorism' as a phenomenon, this theme involves the assessment of the threat posed by terrorism, specifically in the Canadian context. Another way of framing this theme is through the question "What risk does terrorism pose for Canada, at this point in time?" In approaching this theme, both the general significance of the threat of terrorism and specific manifestations of this threat within a given discourse sample were considered. When discourse samples clearly articulate the risks associated with terrorism, they typically do so with the goal of establishing terrorism as a national security problem, distinct from other types of risk and danger. As such, an understanding of the conceptualization of terrorism-related risks contributes to the overall picture of terrorism that is presented by each discourse, and it locates terrorism in relation to national security. That major changes in law and policy have emerged in response to terrorism in the post-September 11 context is clear; what allowed these changes to take place was a series of arguments that emphasized the gravity, scope, and imminence of the terrorist threat, and it is this process of argumentation that is the focus of the second analytical theme.

The third theme involves *recommendations for response*. Having established a working definition of terrorism, and made an assessment of the risks posed by terrorism, many scholarly authors offer insights and suggestions regarding current policy. These same types of recommendations are often key features of the selected discourse samples. This category also includes critiques of current policy. Another way of framing this theme is through the question "What are we doing / should we be doing in response to terrorism at the present?" This theme manifests differently from discourse to discourse.

In some cases, clear and straightforward policy and legislative recommendations are set out, and existing measures are described in detail; in other cases, particularly where policy is not the primary subject of the discourse in question, detailed recommendations are replaced with general observations about how counter-terrorism ought to be reconciled with other government priorities (for example, secrecy and commitments to civil liberties). Both types of recommendation are relevant to this study.

The fourth theme involves discussions of *impediments to policy*, as they relate to Canadian responses to terrorism. A number of the scholars whose work was reviewed either expressed reservations at the costs (in terms of civil liberties) associated with domestic anti-terrorism policy, or the barriers (be they legal or financial) to establishing effective responses. Another way of framing this theme is through the question "What barriers are currently preventing us from adopting better responses to terrorism?" The theme of policy impediments was considered in relation to each discourse sample. Beyond establishing a list of the specific national security policy challenges that are understood by the Government of Canada, an exploration of this theme has the potential to yield insights into the 'official' approach to the governance of responses to terrorism as well as the degree to which iatrogenic effects – unintended negative consequences of intervention – are considered by the state. For example, where poor inter-organizational communication as an impediment to policy is articulated within a given discourse sample, the underlying problem is typically understood as the responsibility of the state; on the other hand, describing the source of a policy impediment as the unwillingness of a certain population segment to cooperate with authorities is indicative of a broader idea of responsibilization for national security activities.

The fifth theme to be addressed is the *novelty of the post-September 11 context.* As mentioned earlier, September 11 serves as a point of departure in the literature on terrorism and national security; some scholars believe it to be the beginning of a new era, while others see it as an indicator of the intensification of ongoing trends. This theme is of particular relevance to a study of discourses in the post-September 11 context, as most discussions of terrorism and national security tend to make reference to it, and how it has 'changed the world'. Another way of framing this theme is through the question "What is special or new about the post-September 11 context?" It is significant that the idea of a post-September 11 point of departure is so prominent in Canadian discourses, as there are few connections between the events of September 11, 2001 and Canada. In many ways, contemporary Canadian discourses on national security and terrorism have appropriated and 'Canadianized' the meaning of the September 11 attacks, and this appropriation is a foundation upon which Canadian policy and legislation continues to be built. The 'September 11-as-point-of-departure' narrative is a key theme of interest in this study, as it has a seemingly limitless degree of cache for policymakers, both in terms of scope and significance. This theme acts as a framework within which the other themes on interest are located, not because the discourse samples originate in the post-September 11 timeframe (chronologically), but because they treat this timeframe as a new paradigm in national security.

Given the importance of the event within national security discourses, event references form a sixth item of interest, in addition to the five aforementioned themes. The examples of terrorism and national security mentioned in each sample discourse – both past events and future hypothetical events – were noted. Significant events allow

claims-makers to proclaim that "because of X (event), we **must** do Y (response)," and this is true both of historical occurrences (such as September 11, 2001) and potential future occurrences (such as a hypothetical attack on Canadian critical infrastructure). Event references, therefore, form a key component in the state's repertoire of justifications for counter-terrorism policy, which is based on prevention and response strategies organized around real and imagined threats.

These five themes are the focal points of the analytical framework employed in this study. In addition to this thematic content analysis, a selection of key terms was monitored in each of the twenty (20) discourse samples. The terms 'Terrorism', 'Terrorist', 'Terrorist Entity', (key legal terms as identified by Dedeoglu, 2004), 'Threat / Risk', 'Security / National Security', and 'Enemy / Other' were counted and organized in terms of their prominence (number of appearances) within each discourse sample. Additionally, the presence of a clear definition of any of these terms within each sample was noted where applicable. Finally, synonyms and companion terms were tracked. For example, while 'terrorist entity' is a legal term that is not typically found in state discourses on national security, the terms 'terrorist group', 'terrorist organization', or 'terror front group' are often used with the same intended meaning. Figure 4 provides an example of a blank set of coding schemes used in this study. Figure 5 provides an example of a completed coding scheme.

The previous explorations of 'terrorism' and particularly 'national security' have provided some insights into how these concepts were understood and operationalized in Canada prior to the events of September 11, 2001, specifically in the context of the Cold War. However, some additional discussion of pre-September 11 Canadian discourses is

required if the findings of this study are to be appreciated and contextualized. A comprehensive review of pre-September 11, 2001 official state discourses on national security and terrorism in Canada has not been published, and it would be extraordinarily difficult to complete such an undertaking. One reason for this is that, while September 11, 2001 was heralded by many as a fundamental paradigm shift (see Duessel, 2002), proponents of this position adopted a forward-thinking and prescriptive narrative ("from this point on, everything has changed") as opposed to a historical-contextual narrative that clearly articulated why and in what ways this rupture manifested, and what the 'rules' of national security were before they changed. Additionally, the narrative of the post-September 11 contexts essentially divides or 'splits' history into two categories (Duessel, 2002), despite the fact that numerous eras, epochs, and moments in national security came and passed before the events of 2001. Despite the absence of specific literature on a 'pre-September 11 Canadian security paradigm', considerable research and writing has been done on Canadian security policy and practice in the Cold War and post-Cold War contexts (the latter being as close to a 'pre-September 11 context' as most analysis gets). The following section provides a brief review of some of the characteristics of discourses on terrorism and national security within the Canadian state prior to the events of September 11, 2001, with a particular focus on the state of discourse just prior to the attacks on the United States. Following this, the findings of this study are presented and discussed.

Figure 4 – Sample Coding Scheme (Blank)

Talking About Terror' Data Coding Scheme 1

Section A: Basic Information

Document Title

Document Author (organization, name)

Publication Date: 9/11-2002 | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006

Reference URL

Document Type
- Agency Report
- Commissioned Report
- Executive Summary
- Legislation
- Policy
- Press Release
- Statement
- Transcript
- White Paper
- *Other

Talking About Terror' Data Coding Scheme 2

Section B: Key Terms

Document Title

	Incidence in Text	Prominence (Ranking)	Definition	Synonyms / companion terms	Comments
	(count # of appearances)	(compared to other key terms)	(If stated; If not, use N/A)	(terms used interchangeably)	(additional observations)
Terrorism					
Terrorist					
Terrorist Entity					
Threat / Risk					

Security / National Security					
Enemy / Other					

Talking About Terror' Data Coding Scheme 3

Section C: Discursive Themes

Document Title

1. Conceptualization of Terrorism	Clear Definition Present (Yes / No)	Framework	Description
2. Conceptualization of Terrorism-Related Risks	Clear Definition Present (Yes / No)	Framework	Description
3. Recommendations for Response	Clear Recommendations Made (Yes / No)		Description
4. Impediments to Policy			Description
5. Novelty of the Post-9/11 Context / 'New Normal'	Reference Made (Yes / No)		Description
6. Event References	List of Events Mentioned	List of Potential Future Events Mentioned	Description

Figure 5 – Sample Coding Scheme (Completed)

Talking About Terror' Data Coding Scheme 1

Section A: Basic Information

Document Title	Securing an Open Society: Canada's National Security Policy
Document Author (organization, name)	Government of Canada, Privy Council Office
Publication Date	9/11-2002 | 2002-2003 | 2003-2004 | 2004-2005 | 2005-2006 Apr-04 Privy Council Office (PCO) (2004). Securing an Open Society: Canada's National Security Policy. Last Retrieved April 22, 2006 from http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat_e.pdf
Reference URL	www.pco-bcp.gc.ca
Document Type	Agency Report Commissioned Report Executive Summary Legislation X Policy Press Release Statement Transcript White Paper *Other

Talking About Terror' Data Coding Scheme 2

Section B: Key Terms

Document Title Securing an Open Society: Canada's National Security Policy

	Incidence in Text (count # of appearances)	Prominence (Ranking) (compared to other key terms)	Definition (If stated; If not, use N/A)	Synonyms / companion terms (terms used interchangeably)	Comments (additional observations)
Terrorism	30	3	The use of violence to pursue political, religious, or ideological goals.	extraordinary threats	
Terrorist	24	4	As per *C-36*	threat	
Terrorist Entity	0	NA	As per *C-36*		
Threat / Risk	179	2	Yes. P. 6 Threats can have a serious impact on the safety of Canadians and on the effective functioning of society. Multiple threats (all hazards) are listed, but the point is made that terrorism is more severe in that it can act on other threats.	emerging threats', 'threats to our society', threats to prosperity	
Security / National Security	295	1	Yes: P. 3 "National security deals with threats that have the potential to undermine the security of the state or society. These threats generally require a national response, as they are beyond the capacity of individuals, communities or provinces to address alone. National security is closely linked to both personal and international security. While most criminal offences, for example, may threaten personal security, they do not generally have the same capacity to undermine the security of the state or society as do activities such as terrorism or some forms of organized crime. Given the nature of many of the threats affecting Canadians, national security also intersects with international security. At the same time, there are a growing number of international security threats that impact directly on Canadian security and are addressed in this strategy." A diagram is provided to articulate this concept. Note that this definition of national security makes use of the concept of security, without assigning it a specific definition of its own. On p. 8, national security is referred to as a system. On p. 9, the 'instruments of Canada's security' are said to be working together (ideally). The government security system is said to need to be connected to key partners - provinces, territories, communities, first line responders, private sector, and Canadians.	A security threat is something that represents 'a current or future threat to our country' Security is also described in relation to the right to life liberty, and security of the person - as per the Charter. At some points, national security is associated with sovereignty and societal protection. At some points, national security is associated with the protection of civil order, mutual respect and common understanding.	There can be no greater role, no more important obligation for a government, than the protection and safety of its citizens. P. vii ; p. 1 "There is no conflict between a commitment to security and a commitment to our most deeply held values. At their heart, both speak to strengthening Canada."
Enemy / Other	0	NA			

Talking About Terror' Data Coding Scheme 3

Section C: Discursive Themes

Document Title Securing an Open Society: Canada's National Security Policy

	Clear Definition Present (Yes / No)	Framework	Description
1. Conceptualization of Terrorism	Yes	Global risk society. Terrorism is seen as a global challenged and a crime against humanity. Specifically, terrorism is understood as having four potential manifestations: As Religious extremism; as violent secessionist movements; as state-sponsored terrorism; and as domestic extremism.	

	Clear Definition Present (Yes / No)	Framework	Description
2. Conceptualization of Terrorism-Related Risks	Yes	A risk discourse framework iws used throughout. Additionally, this document adheres to (and exemplifies) the Canadian government's 'All Hazards' approach to emergencies. This model approaches terrorism, natural disasters, and medical emergencies (pandemics) in an integrated manner based on a risk / consequence matrix. The document proposes that terrorism and other national security threats require a national response and are beyond the capability of individuals, communities or provinces to deal with alone. Threats from at home and abroad are considered, as is the role of failed and failing states.	P. vii: "As all Canadians know, we live in an increasingly interconnected, complex and often dangerous world." This statement implies that the threats posed by terrorism are obvious and that there is a consensus about their nature.

	Clear Recommendations Made (Yes / No)		Description

3. Recommendations for Response	Yes	On p. 4, the national security model diagram coordinates threat and response locations. Flexibility in response capability is a core theme of this document. Additionally, the responses are grounded in an understanding of the existence of a security-liberty continuum. This framework is contested, though. On the one hand, there is a discussion of striking a balance. On the other hand, there are statements such as "we do not accept the notion that our diversity or our openness to newcomers needs to be limited to ensure our security." Three major response priorities are mentioned: 1 protecting Canada and Canadians at home and abroad; 2 ensuring Canada is not a base for threats to our allies; and 3 contributing to international security.	The document itself is an articulation of Canadian policy on terrorism and national security. As such, the specific recommendations are difficult to track without simply reproducing the text. Key response themes are identified instead: The document emphasizes the central location of threat informatinon and analysis; the importance of advisory councils and roundtables; the need to create a new Department (PSEPC) to coordinate, test, and audit national security activities; the need to enlist the help and support of Canadians. It organizes responses into component areas, including Intelligence, Emergency planning and management, public health, transport security, border security, and international security.
	Reference Made (Yes / No)		**Description**
4. Impediments to Policy	Yes	The need to evaluate whether and to what extent security campaigns erode the balance of civil liberties is mentioned on a number of occasions. It is not viewed as an impediment to policy per se, but the implication is that sometimes effective anti-terrorism policy must take a backseat to civil liberties.	"The horrific events of September 11, 2001, demonstrated how individuals could exploit such openness to commit acts of terrorism that attempt to undermine the core values of democratic societies"
	Reference Made (Yes / No)		**Description**
5. Novelty of the Post-September 11 Context / 'New Normal'	Yes	Post-9/11 context as one that fits the 'global risk society' paradigm. Individuals can undermine national security in ways that previously only states were able to do. Novelty is a key theme. Threats are considered new and more complex. This document is firmly located within the post-September 11 context, and it places clear emphasis on the need to respond to novel threats – particularly terrorism – with novel policies.	P. 2 "the new and more complex security environment requires Canada to deal frankly with the reality that in an open society, tensions can develop among communities. There is a risk that the seeds of conflict and extremism can take root even in the most tolerant of settings."
	List of Events Mentioned	**List of Potential Future Events Mentioned**	**Description**
6. Event References	September 11, 2001, Air India, 1985, SARS, 2003 electrical blackout, Madrid bombings, 2004, Bali Bombing, 2002, foiled ricin attack in the UK,	Promised targeting of Canada in a Bin Laden Message; threats of WMD's, foreign espionage, natural disasters, critical infrastructure attacks including cyber-attacks, organized crime, pandemics	

4. Pre-September 11 Canadian Discourses

> The nature of terrorism has been changing steadily since the end of the Cold War. Many factors are driving this change, including the erosion of national borders, the increasing ease of travel, the revolution in technology and the proliferation of weapons of mass destruction. Preventing terrorist activity very much depends on the collection, analysis and dissemination of information and intelligence, and on cooperation between jurisdictions, levels of government and the private sector.
>
> - Government of Canada's Response to the Report of the Special Senate Committee on Security and Intelligence (1999)

A comprehensive review of Canadian state discourses on terrorism and national security prior to September 11, 2001 has not been published, although there are ample government texts on which such a study could be based. While the focus of this project is on discourses from the post-September 11 context, it is necessary to establish a brief overview of some of the key characteristics of texts originating prior to this period.

Before discussing these points, however, it is necessary to note that contemporary claims-making regarding terrorism and national security – including claims-making by Canadian officials – can easily be distinguished from earlier discourses by virtue of its consistent reference to the events of September 11 2001. This trend is explored in further detail in the next section. It is important to acknowledge here, though, as it represents the single most marked difference between discourses of these two contexts. While this is in some ways an obvious observation (of course they did not talk about September 11, 2001 before September 11, 2001!), it underscores the importance of this event-reference in contemporary discourse.

Without access to any publication information, it would be easy for a lay observer to identify discourse samples as originating from the pre- or post-September 11 contexts, as the latter identify (indeed, broadcast) themselves as such. Kinsman et al (2000)

provide an excellent overview of the gradual development of the statics and dynamics of the Canadian security intelligence apparatus, from before the Cold War through to the monitoring and repression of the anti-globalization movement in 1997 and 2000. Over this period, the general process of identifying, monitoring, and 'outcasting' threats to the state (discussed in a previous section) remained constant, while the identities of these enemies changed. At no point in their extensive review do they discuss an overnight shift in Canadian state security discourse that is comparable to the pre- / post-September 11 shift.

The tendency of contemporary national security discourses to self-identify with September 11, 2001 as a mobilizing event-reference has not replaced a previous contextual self-identification, as no such thing existed on such a scale. It is this consistent reference to a 'historical signpost' (Duessel, 2002) that really sets new claims-making apart.

The Canadian government was talking about terrorism and national security long before the events of September 11, 2001, although these subjects did not enjoy the same status that they do now. The type of terrorism practiced by followers of the al Qaeda movement, as well as the structure of this and other transnational terrorism organizations and movements, were the subject of discussion within Canadian intelligence and security circles and within the public sphere well before the 2001 attacks on the United States.

The focus of overarching national security narratives was different prior to September 11, 2001, when international terrorism became unanimously recognized as the primary threat to the nation (see PCO, 2004). Organized crime, drug trafficking, and

computer hacking were considered substantial problems prior to September 11, and they were not directly associated with terrorism in state discourse as they often are today.

The 2000 Public Report produced by CSIS (2001) provides a good illustration of how agencies of the Government of Canada were talking about terrorism and national security just prior to September 11, 2001. At the time, the priority of CSIS was dealing with "threats to public safety," and the responsibility for this mandate fell to the Counter-Terrorism Branch. The 2000 Public Report describes the concerns of CSIS thusly:

> Traditional and emergent issues occupy the Service in both the areas of public safety and national security. Threats to public safety, still considered to be the highest priority of the Service, are the responsibility of the Counter-Terrorism Branch, while threats to national security related to intelligence activities of foreign governments, as well as threats to Canada's social, political, and economic infrastructures, are investigated by the Counter-Intelligence Branch. Economic issues and cyber- based threats to the infrastructure are among the increasingly complex modifications to the security intelligence environment with which CSIS must contend (CSIS, 2001)

While this description of problem areas includes terrorism, and indeed prioritizes it under the heading 'threats to public safety', it does not give it the same emphasis that can be found in contemporary reports of this nature. In discussing the 'Global Security Environment', CSIS (2001) recognizes Islamic religious extremism, as manifested by international terrorist networks, as "a primary source of terrorism today". The report further proposes that politically motivated violence in Canada is largely an extension of foreign conflict, and the threat of Canada becoming the country of origin for a foreign terrorist incident is therefore a serious concern. This concern is mirrored in post-September 11 reports (see CSIS, 2004). In terms of the nature of the *phenomena* being discussed, then, there is not much to differentiate pre-September 11 discourses from post-September 11 discourses, save for references to the September 11 event, and the re-prioritization of security interests that followed it.

The 1998 and 1999 CSIS Public Reports follow similar trends in their discussions of terrorism. They describe "the shared threat that is terrorism" (CSIS, 1999), the shift towards more spectacular mass-casualty terrorist events, and the ongoing globalization of conflicts. The reports also describe terrorism as an evolving and complex threat, facilitated by developments in communications technology and resultant networking, and geographically dispersed. As with the 2000 report, both the 1998 and 1999 CSIS Public Reports describe terrorism as a threat to Canada, but propose that the United States is a much more likely target for attacks. In short, Canadian state reports on terrorism anticipated a rise in terrorist violence perpetrated by adherents to extremist networks, directed at the United States, and likely of a spectacular nature. While the events of September 11, 2001 were surprising to Canadians, Americans, and indeed all observers, they were not incongruent with the sort of terrorism anticipated by Canadian intelligence agencies.

One of the most prevailing characteristics of Canadian state discourses on terrorism and national security prior to September 11, 2001 is a concern for threats created or amplified by ongoing developments in modern technology – particularly Internet and telecommunications technology. This focus set the stage for contemporary concerns regarding the vulnerability of critical infrastructure. The 1999 CSIS Public Report, under the heading 'Disturbing Trends', proposes that:

> The use of communication technology and computers to enhance operational capabilities and encryption constitutes yet another challenge to the defence of national security. The increasing availability of methods to communicate quickly and securely has significantly changed the playing field. As well, society's increasing dependence on information and technological infrastructures has heightened its vulnerability. In light of these, terrorist activities may become more destructive, while being more difficult to detect and prevent (CSIS, 2000).

The previous report, written in the context of the global concern over an impending 'Y2K Crisis', states that:

> With the new millennium less than a year away, one can anticipate that the coming year will be as turbulent as the previous reporting period. Millennial challenges are having a resource and technological impact on all public and private organizations. The security and intelligence community has been preparing for this year, from a public safety perspective, with consideration for the social, economic, and technological implications (CSIS, 1999).

Although the widespread anticipation of a Y2K crisis turned out to be misplaced, it did precipitate a process of reordering and hypothesizing related to the security of critical infrastructure. Canadian discourses on terrorism from the period immediately preceding September 11, 2001 described the potential vulnerabilities associated with terrorist attacks on key communications, banking, and credit systems, as well as the threat associated with computer hacking and acts intended to shut down major power grids. A consistent theme of the CSIS reports in the three years prior to 2001 is the need to increase the capacity of Canadian security services to anticipate and respond to new and technologically advanced forms of terrorism.

Another characteristic of discourses related to counter-terrorism from this time period is a support a security-liberty continuum, whereby

> Canada's long border and coastlines appeal to terrorist organizations. Canada's comparative wealth as a source of technology, equipment and funds is attractive to terrorist groups. As with other democracies, Canada's openness and respect for individual rights and freedoms preclude the suppression of terrorism by ruthless methods (CSIS, 1999).

Security activities, such as intelligence-gathering, surveillance, and enforcement, must respect a balance between effectiveness and intrusiveness. The 1999 CSIS Public Report also describes an increase in inter-agency emergency response arrangements,

based on the anticipated threat of a mass-casualty terrorist attack on Canada or an allied nation.

Major mobilizing events played a role in shaping official discourse on national security in Canada prior to September 11, 2001, although no single event seems to have effected a comparable set of shifts in policy and speech. Prior to the attacks on New York and Washington, the single most significant event (in terms of magnitude) in the history of aviation-related terrorism was the June 22, 1985 bombing of Air India flight 182, off the coast of Ireland by Canadian Sikh extremists. The plane, en route from Canada to India via Ireland and carrying mostly Canadian passengers, was destroyed in what investigations found to be an act of terrorism. In terms in the number of Canadian lives lost in a single incident, this event outstripped the September 11 attacks. Also, compared to the relative populations of Canada and the United States, it can be argued that the loss of life in Air India was proportionally more significant that that of September 11. The investigation of the Air India bombing is ongoing, with a full public inquiry having recently been called for. The initial investigation of the incident was widely criticized as being a 'bungle', due to the actions of the RCMP and officials from the newly-formed Canadian Security Intelligence Service.

Based on the significance of a terrorist act in a nation's history, the confusion associated with the investigative process, and the potential implications for national security policy, Air India could have been every bit as momentous an event in the history of Canadian security discourses as the September 11 attacks have proven to be. If the speed, magnitude, or duration of the political response, or the nature of political discourses surrounding it are any indication, however, this has not been the case. Air

India, a distinctly Canadian event (Rae, 2005. p. 2), despite its magnitude and lack of precedent, did not produce the prolonged effects in the realms of policy and discourse that the events of September 11 have produced, and continues to produce.

Writing in 2005, Bob Rae (Independent Advisor to the Minister of PSEPC on the Air India bombing) expresses frustration with the degree of ownership Canada has demonstration in relation to the bombings. He proposes that "many families [of the bombing victims] continue to express their profound sense that the Air India bombing was never truly understood as a Canadian tragedy" (ibid, p. 2), and that "there is, to this day, a deep-seated conviction among the families that 'Canada still doesn't get it', that in the debate on terrorism, freedom, and security, the balance of opinion does not and has never truly absorbed or taken into account the brutal reality of a mass murder conceived and executed in Canada" (ibid, p.4). The initial response of then Canadian Prime Minister Mulroney was to offer condolences to the Indian Prime Minister, rather than to Canadian families, "in effect treating the deaths as though the people were Indians instead of Canadians of Indian origin" (The Gazette, 1985). This error was quickly reversed under harsh criticism from the press, but, as the Rae report (2005) acknowledges, the Air India bombings have never been truly embraced as Canadian acts of terrorism. Following the bombing, Canadian officials instituted heightened airport security procedures – notably additional X-ray baggage screening machines – but a wholesale reorganization of national security policy such as that which followed the events of September 11 was not undertaken.

The Air India bombing took place well before the events of September 11, 2001. More recent discourses on terrorism, from 1998 – 2001, also place an emphasis on

terrorist events as examples of potential threats and sources of 'lessons learned' information. The aforementioned Y2K security scare is one such event. Also mentioned are the Sarin gas attack on a Tokyo subway, the first bombing of the New York World trade Center, attacks on the US embassies in Eastern Africa, the 1999 arrest of Ahmed Ressam (the so-called 'millennium bomber'), and sundry smaller incidents linked to international terrorist movements or networks (CSIS, 1999; 2000; 2001). No single event is given a disproportionate amount of attention, but taken collectively, it is clear that event references are used by the Canadian state to illustrate the realities associated with the threats articulated in its security narratives.

Finally, it is worth noting that, prior to September 11, 2001, the official Canadian counter-terrorism arrangements were characterized by a loose central framework and distributed relationships of authority and jurisdiction. There was no department of Public Safety and Emergency Preparedness, no official Canadian National Security Policy, no Canada Border Services Agency, no *Anti-Terrorism Act*, and considerably less budgetary prioritization for security activities. More to the point, there was no universal mobilizing event to use as a justification to bring these things into being.

In summary, pre-September 11, 2001 Canadian state discourses on terrorism and national security shared many of the characteristics of post-September 11 texts. They emphasize a pending threat associated with international terrorism rooted in Islamic extremism; they specifically mention the likelihood of mass-casualty 'spectacular' acts of terrorism against American targets; they support a security-liberty continuum as a guide to policymaking; they suggest that rapid technological advances are creating new vulnerabilities; and they use event references to anchor claims about security threats. On

the other hand, they differ from the discourses described in the following section in a number of key areas. In particular, the emphasis attached to mobilizing events is quite different. September 11, 2001 was an American event that was embraced by Canada as being so important that it demanded a wholesale restructuring and reprioritization of the Canadian security apparatus; comparatively, the 1985 Air India bombing was in all respects a Canadian event, but despite its status as a milestone in the history of terrorism, it was not used as a similar mobilizing event warranting sweeping changes in the way that Canada 'does security'. The following section describes the key characteristics of post-September 11 discourses on terrorism and national security in greater detail. It is hoped that this brief review of pre-September 11 discourses and policy, coupled with the previous exploration of the history of Canadian national security campaigns, will provide an understanding of what was being said about these subjects before the attacks on the United States led some to proclaim that 'history split' (Duessell, 2002).

5. Findings

The following five (5) sub-sections present the findings of the data collection and analysis process, as described in the previous sections. These sub-sections are organized around key thematic areas, each encompassing elements of Data Coding Scheme 2 (which focuses on the use of key terms, their definitions, and their synonyms) and Data Coding Scheme 3 (which focuses on specific themes of interest). An effort has been made to be comprehensive in the presentation of supporting material, particularly when discussing broad themes observed consistently throughout the twenty (20) selected discourse samples. Each sub-section begins with a description of the Data Coding Scheme components from which the findings for that discussion are drawn. At the end of this section are three tables with supporting information. Table 1 lists the information for the twenty (20) texts analyzed in this study, including title, URL, author / agency, publication and revision dates (where available), and whether or not each text can be found through the SafeCanada.ca public portal; Table 2 provides the strictly quantitative data obtained through Data Coding Scheme 2, with the presence of each tracked term in a given text indicated, along with the prominence of each term in relation to the others, and; Table 3 provides a one-page summary of the key findings of this study, as presented in the following five (5) subsections (please refer to pp. 161 – 167 for Tables 1-3).

5.1 Conceptualizing Terrorism: Definitions and Descriptions

Several components of the data coding and analytical schemes were geared towards exploring the way in which terrorism is conceptualized, defined, and employed in contemporary Canadian political discourse. The second Data Coding Scheme tracked

the use of the terms 'terrorism', 'terrorist', and 'terrorist' entity, and the definitions and companion terms associated with these concepts, throughout the selected discourses. The third Data Coding Scheme produced a more in-depth analysis of the manner in which 'terrorism' is discussed in the sample texts, with an emphasis on drawing out salient themes. Table 2 provides a strictly quantitative breakdown of the presence of the terms tracked in the second Data Coding Scheme, and a comparison of their relative prominence in relation to each other.

The term 'terrorist' was the most commonly used term in more samples (meaning that it received the highest total number of #1 rankings as per Table 2) than any other term. 'Terrorism', by comparison, was only the third most prominent term (after 'terrorist' and 'security'), and 'terrorist entity' was rarely used in any of the samples, appearing only five (5) times throughout the selected discourses, and only in two (2) of the text samples. This distribution of terms throughout the texts is explained by examining the manner of their use and their versatility within the broader discourse. 'Terrorist' is an extremely versatile term in Canadian discourse, as it is used as both a noun (to describe an individual) and an adjective or qualifier (to assign meaning to an event, a group, a plot, or an ideology, for example). This flexibility means that terms such as 'terrorist event', 'terrorist activity', or 'terrorist problem' often replace the simple term 'terrorism' in the selected discourse samples. A comparable exploration of discourses tracking the uses of the terms 'criminal' and 'crime' would probably yield similar results for the same reason. By contrast, 'terrorist entity' is a very specific legal term set out in Canada's *Anti-Terrorism Act* to describe a group or organization associated with terrorist activity (Dedeoglu, 2004 notes that is a common feature of post-September 11 anti-

terrorism legislation). It has not become a component of the common lexicon of national security, and its specificity means that it is rarely used instead of the terms 'terrorist group' or 'terrorist organization'. All terrorist entities are terrorist organizations, but not all terrorist organizations are terrorist entities, according to Canadian law. As such, the broader and more general concept is favoured by claims-makers, particularly when speaking to a public audience.

Terrorism is defined and described in a variety of different ways in the selected discourses. Canada's *Anti-Terrorism Act* does not define 'terrorism' directly, preferring to define 'terrorist activity' instead. Legally, terrorist activity encompasses several acts and omissions pursuant to long-standing international treaties. Section 83.01 of the *Canadian Criminal Code* also describes terrorism using the following definition:

> (b) an act or omission, in or outside Canada,
>
> (i) that is committed
>
> (A) in whole or in part for a political, religious or ideological purpose, objective or cause, and
>
> (B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and
>
> (ii) that intentionally
>
> (A) causes death or serious bodily harm to a person by the use of violence,
>
> (B) endangers a person's life,
>
> (C) causes a serious risk to the health or safety of the public or any segment of the public,
>
> (D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

> (E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),
>
> and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law. (DOJ, 2001c)

The key components of this definition are the specific reference to the subjective intended purpose of the act(s) in question, the requirement that the act(s) must involve some kind of intimidation of the public related to public security or an attempt to coerce a person, group or government, and the requirement that the act(s) must harm or endanger individuals, disrupt services, or cause substantial property damage. It is also important to note that the final component of the definition precludes the possibility that armed conflict conducted in accordance with the established 'rules of war' can be classified as 'terrorist activity'.

This official legal definition of terrorist activity in Canada is used and referred to throughout the selected discourses. A number of texts eschew offering in-depth definitions of terrorism by directly referencing *The Anti-Terrorism Act* (for example, DFAIT, 2003; DOJ, 2001a; DOJ, 2004). Additionally, where a selected text offers an alternative discussion of what 'terrorism' or 'terrorist activity' means, it is often acknowledged as a supplement to the official *C-36* / Criminal Code definition, as is the case with Canada's formal national security policy (PCO, 2004).

The presence of an 'official definition' of terrorist activity does not discourage government claims-makers from providing their own conceptualizations of the phenomenon, and the nature of terrorism is the subject of extensive discussion throughout the selected discourses, ranging from straightforward observations to extensive explorations. As with the academic literature, contemporary state discourse on terrorism often focuses on differentiating between 'old' forms of terrorism and the 'new' phenomenon of international terrorism. For example, the CSIS 2003 Public Report specifically proposes that "the nature of terrorism itself has changed from that of even a few years ago and continues to evolve" (CSIS, 2004, p. 3). In a presentation to the Senate Committee on the *Anti-Terrorism Act*, CSIS Director Jim Judd describes terrorism as a '*global movement* that has taken root – not a passing trend' (2005b). The CSIS Backgrounder on terrorism (2002) proposes that while terrorism is not a phenomenon unique to the modern era, 'today's terrorism' is complex, fluid, and networked in an unprecedented manner. The descriptors 'complex', 'fluid', and 'global' appear throughout the selected discourses, particularly in relation to CSIS reports. DFAIT (2003) proposes that terrorism is a 'long-term global challenge', another sentiment that runs throughout the discourse samples.

Complexity, fluidity, novelty, a loosely-networked structure, and interminability are common attributes applied to terrorism in contemporary Canadian political discourse. They are uncontested in the selected texts and no sample offers a marked departure from this interpretation. These themes frame and provide backdrops for the more in-depth explorations of the phenomenon of terrorism in the selected texts. An example of a more

in-depth discussion of the nature of terrorism can be found in the 2003 CSIS Public Report, which offers a typology of terrorism, acknowledging four categories:

> 1. Religious extremism, with Sunni Islamic extremism being the most serious threat at present; 2. Secessionist violence, such as the actions of militaristic separatist movements in foreign countries; 3. Domestic extremism, which includes, but is not limited to, violent elements of white supremacist or anti-globalization groups; 4. State-sponsored terrorism (CSIS, 2004, p. 3).

This typology is similar to those frequently seen in the academic literature, for example in Ignatieff's (2004) book *The Lesser Evil*. Canada's national security policy includes a typology with the same four categories as the CSIS report (PCO, 2004, p. 6). DFAIT (2005) also acknowledges the variety of potential motivations for terrorist activity, and they propose that "Terrorist violence and activities in support of such violence may be carried out in the name of independence, freedom, or religious belief".

Aside from the legal definitions provided by the *Anti-Terrorism Act* amendments to the Criminal Code (listed in full in Appendix B), none of the selected discourses offers a clear definition for the term 'terrorist'. Even the *Anti-Terrorism Act* definitions are restricted to clarifying the meaning of 'terrorist activity', 'terrorist group', and 'terrorist entity'. Technically, the definition of 'entity' can be applied to individuals as well as organizations, but it is generally only used in relation to the process of listing proscribed organizations per the process outlined in *C-36*. We could infer that, in Canada, a 'terrorist' is someone who has been convicted of one or more of the actions set out in the appropriate sections of the Criminal Code. Beyond this, though, none of the selected discourses take the time to specifically discuss what it means to be a terrorist. This is reminiscent of the way the label 'criminal' is used to imply more than a conviction for law-breaking. Clearly, contemporary discourses on terrorism do not restrict their conceptualization of 'terrorist' to post-conviction legal status, and the implied (but not

'unpacked') meaning is that terrorists ought to be understood as terrorists before, during, after, and between acts that are legally defined as terrorism. Indeed, it is clear that the Canadian state has adopted the position that 'terrorist' is a term that necessarily encompasses an individual's essence, state of mind, and moral status in addition to any legal meaning. According to the implications of Canadian discourse on the subject, one does not become a terrorist by committing terrorist activity; one commits terrorist activity because one is a terrorist. This is an important aspect of contemporary claims-making on national security, and it has definite implications for the way in which counter-terrorism strategies are planned and executed.

As discussed earlier, Schmid (2004) identifies five frameworks or lenses usually employed in the study of terrorism. These five frameworks are: Terrorism as Crime; Terrorism as a form of Politics; Terrorism as Warfare; Terrorism as Communication; and Terrorism as Religion. Schmid notes that the situation of terrorism within one of these frameworks has implications for the way that it is defined, problematized, and responded to. He also proposes that several frameworks are often employed at the same time, which allows for a more complete understanding of the phenomenon. Canadian state discourse on terrorism in the post-September 11 context incorporates aspects from each of Schmid's frameworks, and his categories provide a useful tool for organizing claims from the selected literature for this reason.

Terrorism is clearly understood through a criminal justice lens in Canada, and the aforementioned legal definitions supplied by the *Anti-Terrorism Act* amendments to the *Criminal Code* are a good illustration of this. Terrorism is seen as a violation of the law, and some claims-makers maintain a legalistic focus in their conceptualizations of the

phenomenon. Unsurprisingly, the statements of the Attorney General before the Arar Commission (AGC, 2004) fall into this category, although they contain references to the political and communicative aspects of terrorism as well. DFAIT (2003) emphasizes the legal responses to terrorism that have been employed in Canada since September 11, 2001, as does the Canadian national security policy (PCO, 2004). An important component of post-September 11 discourses on terrorism is the effort to link terrorism to other forms of criminal activity, such as money laundering or organized crime. DFAIT (2003) makes this connection, proposing that "owing to its violent underworld nature, terrorism is frequently tied to other criminal activity".

The *Anti-Terrorism Act* sets out the legal parameters for conceptualizing and responding to terrorism in Canada, and from the outset it establishes terrorism as something other than an 'ordinary crime' (DOJ, 2001b). The preamble to *C-36* describes terrorism as a substantial threat to domestic and international security, and one that crosses geographic borders. *C-36* also emphasizes the subjective intent associated with terrorist acts, which puts them in a category apart from other criminal activity. As Schmid (2004) notes, the 'Terrorism as Crime' framework is often closely related to the 'Terrorism as Politics' and 'Terrorism as Communication' frameworks, and this is the case with Canadian discourses. Terrorism is always conceptualized as a crime, but it is never conceptualized as *just a crime* in the selected discourses.

Many of the sample discourses discuss terrorism using a political and / or ideological framework, in addition to a criminal framework. It is often through this framework that claims about the distinctions between 'old' and 'new' terrorism are made. CSIS (2004, p. 4), for example, describes "the political terrorism of the 1980s" as being

grounded in political ideology, perpetrated by political activists from the middle class, and highly centralized in structure; by contrast, "today's terrorism" is described as comparatively apolitical, perpetrated by members of all classes, and decentralized in nature. CSIS (2004, p.4) illustrates this position by claiming that "Ahmed Ressam, as a case in point, had no political aspirations and it is religious extremism that guided him in his attempt to commit a terrorist attack against the Los Angeles airport in 1999". Earlier CSIS documents, such as the 2002 Backgrounder on Counter-Terrorism, also support an 'apolitical progression' thesis. The Backgrounder proposes that "Since the early 1990's, secular terrorists have given way to religious nationalists attacking foreign citizens and the agents and symbols of secularism in their own country and, increasingly, taking their campaigns of violence abroad". Not all approaches to terrorism are in complete agreement with the apolitical conceptualization favoured by CSIS (2002; 2004), and many of the selected texts describe terrorism as a form of political violence. The Attorney General of Canada (2004), for example, describes terrorism as political violence, typically with external sources, and as "the politics of coercion". The national security policy of Canada (PCO, 2004) allows for a political definition of terrorism, although it also emphasizes the fundamentalist-religious sources of contemporary terrorism. This exemplifies the political facet of the selected discourses, in that it establishes terrorism as a political phenomenon specifically in order to highlight what is described as the apolitical nature of terrorism in the post-September 11 context.

Canadian discourses do not give as much weight to the 'terrorism-as-warfare' framework as discourses from the United States, but references to military terminology and the participation of Canada in the 'war on terror' are still prevalent. In describing

Canada's counter-terrorism actions since September 11, 2001, DFAIT (2003) states that "Canada committed direct military support for the U.S.-led international campaign against terrorism". CSIS (2004, p. 5) also discusses the 'war on terror', noting that it will continue in the foreseeable future and undergo continuous transformation in response to 'new world realities'. The Department of National Defence (DND, 2002) proposes that Canada stands "united with the United States and our North Atlantic Treaty Organization (NATO) allies in responding to this global threat". DND also describes Canada as a member of the ongoing campaign against terrorism, and it describes terrorism using a warfare framework as an "asymmetrical threat". The meaning of this term is not clarified by DND, but we can reasonably assume that they understand it to mean the same use of non-conventional methods and dispersed organizational structure that Ignatieff (2004) and Schmid (2004) discuss. The Canadian national security policy (PCO, 2004, p. 48) discusses Canada's military response to terrorism since September 11, citing Article 5 of the NATO Treaty – which provides for the collective defence of an ally who is attacked – as the context for Canada's initial military mobilizations. The policy also touches on the military aspects of terrorism in its discussion of the threat posed by Chemical-Biological-Radiological-Nuclear (CBRN) attacks and the issue of Ballistic Missile Defence.

Terrorism as a form of communication is not a principal framework used in the selected discourses, in that it is not often discussed. It is, however, an underlying element of most definitions of terrorism, including the official *C-36* definition (DOJ, 2001b). These definitions note that terrorism is designed to influence an audience, and to make a statement of some kind. The Attorney General of Canada's (2004) description of terrorism as the 'politics of coercion' emphasizes this. None of the selected discourses

fully explores the nature of terrorism as communicative violence, though, and very little time is spent explaining what the messages being communicated are. Indeed, as per CSIS' (2002; 2004) description of 'new' terrorism as an apolitical and religious-fundamentalist phenomenon seems to downplay the importance of the message while focusing on the messenger and the methods of delivery. CSIS (2004, p. 5) proposes that "While just a decade ago terrorists committed acts of violence for an audience, today's terrorist will not hesitate to kill his audience to achieve his goal".

The religious-ideological nature of contemporary international terrorism – as typified by al Qaeda – is a prominent theme in the selected discourses. 'New' terrorism is often described as the product of a global movement with religious fundamentalist goals (CSIS, 2002; CSIS, 2004; CSIS, 2005b; DFAIT, 2003). CSIS specifically and consistently cites Sunni Islamic extremism as the primary source of the current terrorist problem. When the religious nature of terrorism is discussed, it is almost always set apart from any political motivations, and the clear message is that 'new' terrorism has moved beyond the rational, secular, political dimension and into an irrational and fanatical framework. This has implications for counter-terrorism activities, particularly in that it locates the solutions to the problem of terrorism outside the political sphere.

In addition to the claims that can be organized using Schmid's (2004) frameworks, post-September 11 Canadian discourses on terrorism often make use of a 'Terrorism as Hazard' approach. This appears to be unique to the national security narrative that has developed since September 11, 2001. Risk logic and hazard mitigation are the key aspects of discourses that follow this stream, and claims-makers in this area include departments and agencies that represent sectors of the state that were previously

uninvolved in the narrative of national security, specifically public health professionals. This framework is concerned with the impact of terrorist attacks and with the post-facto effects of terrorist incidents on individuals and communities. Underlying discourses in this area is a generalized approach to hazards, which highlights their common characteristics and effects. The Canadian national security policy (2004, p. 21) chapter on 'Emergency Planning and Management' proposes that:

> The diverse array of emergencies in Canada in recent years – September 11, 2001, SARS, BSE, Hurricane Juan, the B.C. forest fires, floods, the Ontario blackout, and avian influenza – shows the importance of transforming our national emergency management system to meet the challenges of protecting modern Canadian society from the effects of increasingly complex emergencies.

Terrorism-as-hazard discourses speak of 'human induced disasters' as opposed to natural disasters, or differentiate between 'terrorist emergencies' and 'non-terrorist emergencies'. In some cases, the focus on emergency management is so restrictive that anti-terrorism activities and efforts to understand the root causes of the phenomenon are completely absent, in favour of a focus on the effects of terrorism that follows a medical triage model. The Public Health Agency of Canada (PHAC, 2005a, PHAC, 2005b) exemplifies this in its 'Responding to Stressful Events' pamphlets. These public information documents, designed after the events of September 11, 2001, treat terrorism and other major crises as "part of life". The underlying assumption is that terrorists events can and will happen, and that it is important to focus on preparing to mitigate their effects.

In summary, despite variations in framework and approach, the twenty (20) samples of post-September 11 Canadian discourse present a strongly unified and consistent image of terrorism, with several dominant themes and characteristics. Taken collectively, they propose that:

Post-September 11 terrorism is different from 'old' forms of terrorism, in that it is more complex, more fluid, and characterized by dispersed networks of adherents to a global movement. This movement is grounded in a religious-fundamentalist ideology, specifically a commitment to Sunni Islamic extremism. It is not politically motivated, and its objectives are not geared towards resolving political grievances. Terrorist activity involves the use or threat of violence to achieve political, ideological, or religious goals, as well as actions that facilitate such operations. Terrorist activity is coercive and based on conspiracy, but it does not include coercion or conspiracy that is perpetrated by states acting in accordance to the rules of war. Terrorist activity, and membership in terrorist groups is illegal and punishable by Canadian law. Terrorists are criminals. Individuals can be considered terrorists by virtue of their motivations and allegiances, and not simply by their actions. Terrorists can be members of an organized and centrally-controlled organization, group, or entity, or they can be adherents to a global movement. They can be foreign or 'homegrown'. Terrorist activity can be considered a form of asymmetrical warfare, and it can be responded to militarily. Terrorism can also be considered a human-induced hazard with many similarities to other crises and emergencies, and the risks associated with terrorist events can be mitigated. Terrorism is the greatest single threat to the national security of the Canadian state, and has been since September 11.

This brief synopsis captures the essence of terrorism as it is portrayed in contemporary Canadian discourses. It is this conceptualization of the phenomenon that guides assessments of the magnitude of the 'terrorist problem' in the post-September 11 context. This image of terrorism also sets out the parameters for response, as it emphasizes certain aspects of the phenomenon (such as religious-fundamentalist

motivation and loosely networked structure) while minimizing others (such as the role of political grievances).

5.2 Conceptualizing Terrorism-Related Risks: Threats and Mobilizing Events

The previous subsection explored the conceptualization of terrorism in contemporary Canadian political discourse. Having established some idea of what terrorism is according to the selected texts, this subsection addresses the way that the threats associated with terrorism are interpreted, and the way that references to past and future (hypothetical) terrorist events are mobilized as illustrations of the 'terrorist problem'. This discussion draws on the tracking of the terms 'threat / risk' and 'enemy / other' from Data Coding Scheme 2, and the exploration of the theme of terrorism-related risks from Data Coding Scheme 3. The presence of terrorist event references, tracked using Data Coding Scheme 3, is also incorporated into this discussion. Taken collectively, data from these sources illustrates the state's position on the threat currently posed by terrorism.

Given the dominance of risk-based and actuarial approaches to national security, it is not surprising that the terms 'risk' and 'threat' are used prominently throughout contemporary discourses on terrorism. Only four (4) of the twenty (20) discourse samples do not include specific references to 'threats' and 'risks' in relation to national security. The concept of **threat** is intimately tied to national security narratives, and this has been the case since the Cold War (see Kinsman et al, 2000; Whitaker & Marcuse, 1994). Kinsman et al (2000) propose that national security campaigns involve the designation of state enemies as security threats, a process that allows for the mobilization of resources in

the name of public protection. As discussed previously, considerable evidence exists to support this 'cutting out' thesis. However, it should be noted that, in the case of contemporary Canadian national security discourses, there is very little – almost no – direct use of the terms 'enemy' or 'other'. In fact, even the militaristic discourses that describe Canada's involvement in a "campaign against terrorism" or "international coalition against terrorism" (DND, 2001) eschew the term 'enemy' in favour of the more general **threat**. According to official discourse, then, the 'war on terrorism' appears to be a war without enemies. This is consistent with other contemporary 'wars on' (drugs, crime, poverty), where the target is a phenomenon or threat, rather than a clearly defined group. Of course, these campaigns do involve human targets, and certain groups experience casualties, but it is the concept (terrorism) or substance (drugs) that is the stated focus of state action.

As with 'terrorism' and 'security', the term 'threat' is found both on its own and as a qualifier of other concepts in official discourse. The selected discourses refer to threats to Canadians, the global threat environment (a synonym for the concept of a 'security environment', discussed elsewhere), potential threats, real threats, pending threats (including the 'pending threat of Iraq' mentioned in CSIS, 2005b), threat responses, global threats, expanding threats, threat and risk assessments, threats to Canada and threats originating in Canada, threats to civil liberties associated with anti-terror legislation (DOJ, 2004), threats to national security, threats to transportation security, critical infrastructure, aviation security, and border security, and threats to Canadian prosperity.

In terms of legal definitions, the concept of **threat** is central to Canada's anti-terrorism laws. For example, the *C-36* amendments to the Criminal Code provide a definition of terrorism that includes the 'threat or use of force' (DOJ, 2001b). Terrorism is understood to involve threats intended to achieve political, religious, or ideological ends, and the threats need not come to fruition for a crime to occur (AGC, 2004).

The discourse on the threat of terrorism is tied to a process of extrapolation that combines references to past events with extrapolations of future vulnerabilities. This is a core element of national security discourses, and it allows them to incorporate historical and hypothetical elements into a single insecurity narrative. The basic premises of this narrative are easy to articulate, and they appear in one form or another across most of the selected texts. Official Canadian discourse proposes that:

1. National security is the most important priority / duty of the Canadian government (PCO, 2004);
2. Terrorism represents the most significant contemporary challenge to Canadian national security, and indications are that it will continue to do so into the foreseeable future (CSIS, 2004; CSIS 2005a);
3. Terrorism is a complex and constantly evolving threat (CSIS 2005b; DFAIT, 2002; PSEPC, 2004a);
4. A primary goal of national security policy should be the prevention of terrorist activity (PCO, 2004), therefore;
5. It is necessary to respond to the threats posed by real (historical) terrorist attacks, AND to anticipate the nature of future (hypothetical) attacks - and to assess vulnerabilities and plan strategies accordingly.

This narrative can be understood as an *insecurity narrative* as it is geared towards the imagining of potential and probably vulnerabilities, threats, and weaknesses. It combines examples of what has happened with descriptions of what might happen; the overall effect is the articulation of a **generalized terrorist threat** that encompasses both real and the possible risks. References to a singular terrorist threat abound in the selected discourses, and although the exact nature of *the* threat of terrorism is never explained, the concept is used to imply the aggregate danger posed by the multitude of discourses on terrorism-related risks (past, present, and future).

The events of September 11, 2001 are the most frequently referenced example of terrorism cited in the sample discourses, but they are by no means the only event-reference used to illustrate the threat posed by terrorism. The CSIS Backgrounder on counter-terrorism (2002) references attacks in Yemen in 2000, the failed 'millennium bombing' plot of 1999, 1998 attacks in Ireland, the 1998 embassy bombings in Nairobi, 1997 bombings in Egypt, and 1996 events in Peru, Chechnya, and Sri Lanka. The Backgrounder also discusses the 1970 FLQ Crisis, and the 1992 storming of the Iranian embassy in Ottawa. In addition to these specific event-references, the Backgrounder addresses unspecified past acts of environmental extremism and the general problem of "spillover conflicts," which involve diaspora communities. Additional event-references include acts of terrorism in Bali, Madrid, Egypt, Beslan Russia, Saudi Arabia, Lebanon, Riyadh, Afghanistan, and Iraq (CSIS, 2005b). CSIS (2004) adds to this pool of events a number of references to foiled attacks, specifically in the UK, France, and Italy. This is an important aspect of post-September 11 security discourses, and disrupted attacks are

added to the pool of historical events and hypothetical future events to provide a broad image of the terrorist threat.

In terms of hypothetical events, the 2002 CSIS Backgrounder on counter-terrorism highlights the threat of Chemical-Biological-Radiological-Nuclear (CBRN) attacks. The DFAIT Backgrounder on Canada's Actions Against Terrorism Since September 11 (2003) also highlights the potential threats posed by terrorist procurement of CBRN and WMD technology, and this concern appears in CSIS documents (2004; 2005a; 2005b) and the Canadian national security policy (PCO, 2004).

CSIS (2004) reports also highlight the vulnerability of Canadian critical infrastructure, which is a major focus of post-September 11 threat assessments. Potential attacks on critical infrastructure can come in the form of cyberterrorism, or in the targeting of food sources, water supplies, and urban centres with conventional or CBRN weapons. One of the selected texts is the September 11 Incident Analysis conducted by the Office of Critical Infrastructure Protection and Emergency Preparedness (2002). This document represents a review of the critical infrastructure 'lessons learned' in relation to the events of September 11, 2001, with the stated objective of highlighting vulnerabilities in order to help Canadian critical infrastructure owners and operators respond to future, hypothetical events.

Discourses on critical infrastructure highlight and illustrate the relationship between past events and possible future (imagined) events in contemporary security narratives. They are not restricted to acts of terrorism, and they freely reference other critical infrastructure emergencies, in accordance with the 'all hazards' approach to security policy (see PSEPC, 2005a; PCO, 2004). This means that in imagining the nature

of potential future acts of critical infrastructure-related terrorism, official discourses make reference to the events of September 11, 2001 (as in OCIPEP, 2002), as well as the impact of the August 2003 Ontario blackout, the 2003 outbreak in Toronto, the 1998 Ice Storm, and the turmoil associated with 'Y2K' concerns (PSEPC, 2005a). It is never implied that these events were in any way related to terrorist plots, but their effects are mobilized as examples of what future terrorist-related critical infrastructure attacks might look like. Here we see the construction of an image of the 'terrorist threat' that couples past event-references with future extrapolations.

In addition to hypothetical CBRN, WMD and critical infrastructure attacks, the selected discourses include numerous references to scenarios whereby Canada is not the target of a terrorist attack or threat, but the *source* of a terrorist plot that is targeted elsewhere (specifically, the United States, although most texts refer to 'our friends and allies' to avoid being too particular). CSIS (2004) proposes that this is one of its primary concerns, alongside protecting Canada from domestic attacks. The Canadian national security policy (PCO, 2004) also foregrounds this concern. In this sense, the primary threat to Canadian national security is not associated with the event itself, but with the potential backlash associated with a Canadian-origin attack on an ally. This concern extends to financing and procurement activities, and indeed anything that might associate Canadian action or inaction with a future terrorist attack directed elsewhere (DFAIT, 2003; PCO, 2004).

In summary, the selected discourses approach the issue of national security by defining threats, with references to past, present, and future / hypothetical events. This finding is consistent with the literature on national security, which has always identified

links between security campaigns and threat or insecurity discourses. The discourse samples consistently refer to terrorism as the single gravest threat to national security, and as a complex and constantly changing phenomenon. Coupled with an overall commitment to risk analysis and management, and the dominance of precautionary approaches to security, this means that a great deal of time is spent imagining and hypothesizing on the nature of possible future threats and vulnerabilities. To support this exercise in extrapolation, the selected texts make use of (or mobilize) references to past terrorist events, with the implication that their existence lends credence to the images of future threat that are advanced by the state. The overarching themes of anticipation, preparedness, and prevention are dominant in this discourse, and these elements combine to create a security narrative that is essentially *forward-looking*. Past events are discussed insofar as they illustrate potential future threats, and the socio-political factors that make the September 11 attacks different from the Air India bombings or the FLQ crisis are almost entirely overlooked in this regard (although the general distinction between 'old' and 'new' terrorism is otherwise upheld, as discussed in a previous section). By combining images of past terrorist attacks, descriptions of thwarted plots, and extrapolations of future events, a generalized and infinitely-flexible image of 'the terrorist threat' is constructed.

5.3 Responding to Terrorism: Recommendations and Impediments

Significant portions of the selected texts deal with variations of the question 'what's to be done?' in relation to contemporary national security. Many of the sample discourses are primarily geared towards counter-terrorism policy and legislation, and these documents include a great deal of specific recommendations for response and

descriptions of programs already in place. Once component of Data Coding Scheme 3 involved the tracking and analysis of key themes related to recommendations for response, the results of which are presented below. Another related component of Data Coding Scheme 3 focused on themes related to impediments for policy or response. The results of this analysis are also included below. These themes are complimentary, as they both deal with facets of state discourse related to post-September 11 national security responses. Of course, the responses to a given social problem or phenomenon are closely related to the manner in which that phenomenon is understood, which means that these findings are best understood in relation to the findings on conceptualizations of terrorism, terrorism-related risks, and national security, as well as the findings on the novelty of the post-September 11 context.

As one of the purposes of post-September 11 security discourses is to convince the public that *something is being done* (see the Findings subsections on security and the novelty of the post-September 11 context), the selected texts devote considerable space to describing Canada's responses to terrorism over the last five years. Canada's existing post-September 11 security measures are the primary subjects of concern for several of the discourse samples, including CSIS' (2002) Backgrounder on Counter-Terrorism, DFAIT's (2003) Backgrounder on Canada's Actions Since September 11, DOJ's (2001a) release on the *Anti-Terrorism Act*, DND's (2001) Backgrounder on the Department of National Defence and Canadian Forces Response to September 11, 2001, PSEPC's (2005b) discussion of the implementation of the Public Safety Act, 2002, and a large portion of Canada's 'Securing an Open Society' national security policy (PCO, 2004). These texts outline a variety of policy and legislative changes, as well as a host of

technical programs and strategies designed to respond to terrorism in the post-September 11 context. Rather than focusing on the specific details of the strategies that have been implemented or recommended, this discussion addresses the key themes that permeate the contemporary discourse on counter-terrorism.

As discussed in the previous sections, commitments to precautionary strategies and risk-based response frameworks are dominant characteristics of contemporary national security policy and discourse. In concrete terms, this means that responses to the question 'what's to be done?' emphasize anticipation and vigilance. These themes are coupled with an expansionary commitment to achieving more *security* through *more* security. As a whole, the selected discourses recommend responses to terrorism that could be described as focusing on secondary-level prevention; the emphasis is on identifying risks, threats, and vulnerabilities, and on pre-empting or neutralizing them, or on mitigating their effects. Primary-level prevention associated with addressing the root causes of insecurity is not a focus of contemporary Canadian discourse. The remainder of this subsection focuses on these themes.

Anticipation, Vigilance, and Preparedness

Many of the recommendations for response discussed in the selected texts call for increased awareness, better intelligence, and a general redoubling of vigilance, by authorities and security specialists, and by the general public. This follows logically from the conceptualizations of terrorism, terrorism-related risk, and security that are advanced in contemporary discourse. If the current security situation is so dire, and if terrorists are actively trying to attack us on a consistent basis, it follows that we ought to be watchful

and suspicious. Moreover, the relationship between the discourse on 'the terrorist threat' and ongoing processes of extrapolation and imagination mean that the type of vigilance that must be exercised is a *creative* form grounded in anticipation and extrapolation.

Vigilance is directly tied to intelligence-gathering efforts, which are central to contemporary national security campaigns. Vigilance, is, after all, an activity that involves actively watching, surveilling, and scrutinizing, and intelligence-gathering provides additional knowledge to support this process. Many of the counter-terrorism initiatives mentioned in the selected texts equate to an expansion of the panopticon (see Foucault, 1975/1995, pp. 197-205), although this is described in the discourse as an effort to ensure that "decision makers are as informed as possible" (PCO, 2004, p. 15). DFAIT (2003) proposes that Canada and the US have increased aerospace vigilance since September 11. The same document describes the need to enhance intelligence-gathering and screening processes in order to ensure public security. CSIS (2004, p. 1) claims to be engaged in "unrelenting vigilance, through threat analysis, and creative, cooperative responses". Ultimately, whether they are described as commitments to vigilance or efforts to anticipate future threats, many of the counter-terrorism and security recommendations articulated in the selected texts are about increasing the capacity of the state to *know* its enemies – or to know more about the public in order to better identify enemies. This finding is consistent with Kinsman et al's (2000) observations on historical security campaigns in Canada.

In addition to vigilance and anticipation, the forward-looking nature of post-September 11 discourses on terrorism and national security leads to an emphasis on preparedness. The texts specifically concerned with emergency management and public

health emphasize preparedness, and direct their recommendations for response towards hazard mitigation or post-event 'triage' activities. The Public Health Agency of Canada pamphlets on 'Responding to Stressful Events' (PHAC, 2005a; PHAC, 2005b) for example, focus on coping strategies and the provision of reassurances to children. Interestingly, the public health professionals at PHAC propose that parents should tell children that they are safe and secure, and that 'everything will be ok'; a discourse that is manifestly incompatible with the dominant narrative of the government. PHAC's discourse is also at odds with the general narrative on the post-September 11 context; while the preponderance of the selected texts embrace a 'new normalcy' approach to post-September 11 security, PHAC (2005b) advises taking steps to "get back to normal" in the wake of disasters.

OCIPEP (2002) also employs an emergency management framework, offering an extensive list of recommendations geared towards the protection of critical infrastructure in the event of a terrorist attack. This text places an emphasis on redundancy and overlap when it comes to infrastructure preparedness, so that systems knocked offline by terrorists can be compensated for by other resources. The continuity of services – specifically those services that allow for business and commerce (such as financial databases, communications lines to banks, and transaction-oriented telecommunication resources) – is seen as a priority. OCIPEP (2002) argues for increased private sector – state collaboration on critical infrastructure-related security matters, given the mixed ownership of essential resources. PSEPC's (2005a) discussion of the 'Modernization of the Emergency Preparedness Act' supports these conclusions, and locates them within an Emergency Management Framework that is based on a cyclical process of Mitigation,

Preparedness, Response, and Recovery. This model is at the heart of 'all hazards' approaches to preparedness and security, which are becoming increasingly popular.

The More-Better Expansionary Model

If it became necessary to distil all post-September 11 discourses on terrorism into a single statement, it would be "**more *security* is best achieved through *more* security**".

The Prime Minister's preamble to the 'Securing an Open Society' national security policy, published in 2004, proposes that over $8 billion in additional funding (above and beyond existing budgets) has been allocated to addressing security gaps since September 11, 2001 (PCO, 2004). That figure has increased since the policy was published. A significant portion of that $8 billion has gone to additional security measures across a broad spectrum of federal departments and agencies. It has funded more intelligence agents, more police, more equipment, more surveillance, more intelligence, increased international collaboration, a dramatically increased combat military presence overseas, and several pieces of new legislation. The trend here is towards additive and expansionary solutions to security problems, and the government readily describes these new measures to illustrate that it is taking terrorism seriously and 'doing something' about it.

DFAIT (2003) illustrates the more-better expansionary theme in its Backgrounder on Canada's responses to September 11. A section of this text is entitled "Putting More People, Technology, and Capacity in Place', and the theme of enhancement-through-increase is repeated throughout the list of measures described. The 2003 CSIS Public Report (2004) emphasizes the importance of additional information-

sharing, and points to a need for increased foreign intelligence-gathering capabilities. The Director of CSIS, in a presentation to the Security Intelligence Service Senate Committee on the *Anti-Terrorism Act* (CSIS, 2005b, p. 8) simply proposes that there is a "need to creatively engage the complete ranges of techniques and legislative devices available to us". The Department of Justice (2001a) also embraces a more-better approach, noting that responding to terrorism requires 'new tools' and additional powers to investigate and prosecute suspected terrorists.

The logic underlying the more-better security narrative is simple, and it has everything to do with the conceptualization of terrorism and national security in contemporary discourse. As discussed elsewhere, a great deal of discursive effort is allocated by the state to describing contemporary (post-September 11) terrorism as something that is altogether different from 'old' forms of terrorism. Novelty and complexity are repeated themes in contemporary discourses on terrorism. By consistently revisiting the thesis that there is a new and evolving form of terrorism in this "new reality" (PCO, 2004), the groundwork is established for the argument that similarly novel and expanded responses are required.

What About Root Causes?

Contemporary state discourses on security imply that "it is not a matter of if, but when" we will be the victims of terrorism. The concept of inherent failure is built into the rhetoric of risk, and no amount of securitization could produce a 'zero risk society' (Salter, 2006). Strategies geared towards identifying terrorist cells, detecting plots, responding to radicalization, hardening targets, and addressing suspicious activity are all

geared towards secondary-level prevention. They presuppose the existence of an omnipresent terrorist phenomenon, and they focus on identifying its manifestations and mitigating its consequences. The most successful secondary-level counter-terrorism efforts may result in arrests, thwarted attacks, and a measure of social protection; but they do nothing to address the root causes of radicalism and antagonism that underlie contemporary terrorism. At best, it could be argued that increased security presences, harsh penalties, and heightened surveillance have a deterrent effect. This is unproven, though, and it is counterintuitive to assume that increased risks could deter an individual whose very objective involves self-destruction. Faced with these problems, it would be reasonable to expect that a serious commitment to national security would involve discourses that focus equally on risk-based (secondary level) responses and efforts to address the root causes of the problem at hand. Contemporary Canadian security discourses *do not* offer such a balanced approach to counter-terrorism, and the focus on risk-based security strategies eclipses any discussion of root causes by orders of magnitude.

Root causes are mentioned in the selected texts, but only ever in passing, and only ever as sidebars to risk-based security strategies. DFAIT (2003), for example, lists the five objectives of the Canadian Anti-Terrorism Plan (also discussed in DOJ, 2001a and PCO, 2004):

> - To prevent terrorists from getting into Canada;
> - To protect Canadians from terrorist acts;
> - To bring forward tools to identify, prosecute, convict and punish terrorists;
> - To keep the Canada-US border secure and open to legitimate trade; and
> - To work with the international community to bring terrorists to justice and *address the root causes of terrorism*. (DFAIT, 2003, emphasis added).

The remainder of this text details a variety of responses to terrorism, without mentioning root causes again. A brief discussion of 'Diplomatic Activities and Humanitarian Aid' is included, but this is limited to a review of Canada's contribution to "broaden the coalition to fight terrorism," and some remarks about Canadian activities in Afghanistan.

CSIS' Public Reports (for example, CSIS, 2004) do not prioritize strategies to address root causes. The 2003 Report (ibid, p. 4) acknowledges that "The stated goal of many Sunni Islamic terrorist groups consists in eliminating Western influence and secular forms of government in Muslim countries," but it does not explore this connection in any further detail. The same Report (ibid, p. 18) recognizes the focus of Canadian security strategies on secondary-level responses to terrorism, noting that "The Service continues to rely on risk management and flexibility to concentrate its resources on the most significant threats, while ensuring its capability to respond to emerging issues".

The Canadian national security policy (PCO, 2004) contains a chapter on International Security that includes some discussion of root causes, although this attention is again an afterthought to a broader review of risk-based security policies. The chapter is framed around the Canadian commitment to a "3D" approach that emphasizes Defence, Diplomacy, and Development (ibid, p. 47). The dangers associated with failing and failed states are mentioned, along with the importance of supporting international peace and security, and the goal of promoting the advancement of human rights. The chapter falls short of actually drawing any connections between Western foreign policy and instability in developing states, and the specific recommendations for response mentioned revolve around commitments to international institutions and enhanced

peacekeeping military capacity – specifically in relation to ensuring stability in Afghanistan.

In sum, the sample discourses provide almost nothing in the way of meaningful strategies geared towards addressing the root causes of terrorism. Instead, they emphasize a variety of complex and technical policies geared towards the anticipation, mitigation, detection, and nullification of existing threats, and hazard mitigation and emergency preparedness activities designed to lessen the impact of terrorist violence.

Impediments to Policy

Having described the discourses surrounding the question 'what's to be done?' in relation to contemporary national security challenges, it is worthwhile to make a few observations about the barriers or impediments to 'doing something' that are addressed within the selected texts. The most common impediments described in the sample discourses are related to the nature of contemporary terrorism; the complexity and evolving nature of the phenomenon, as it is understood by state claims-makers, mean that authorities must constantly take steps to anticipate the next threat. This makes setting policy difficult, according to a number of texts (for example, PCO, 2004 and CSIS, 2005b). This concept is discussed in greater detail elsewhere in this document.

In addition to barriers associated with the phenomenon of terrorism, and particular with its inherent uncertainty, there are three impediments to policy that are repeated in contemporary discourses. The first involves the difficulty of identifying '*potential terrorists*' or pre-terrorists using risk-based strategies. CSIS (2002; 2005a; 2005b) often notes this challenge when discussing intelligence-gathering and surveillance activities.

Essentially, the fact that 'potential terrorists' often have no criminal records or previous encounters with authorities makes it difficult for intelligence agencies to effectively direct their surveillance operations against key targets. The second barrier relates to the availability of unregulated Internet technology, which is seen by intelligence agencies and policymakers as a key organizing tool for terrorist groups. This is addressed by CSIS (2005b), the Privy Council Office (2004), and PSEPC (2005a).

The third barrier mentioned in the selected discourses deals with the openness of Canadian society. As discussed elsewhere, the freedoms that are present in Canada are seen as the same factors that make the nation vulnerable to terrorist attack. CSIS (2002) proposes that terrorists exploit the openness of democratic societies. Similarly, the Canadian national security policy (PCO, 2004) is grounded in the description of a security-liberty continuum that implicitly associates liberties and freedoms with vulnerabilities. Often these observations are accompanied by commitments to uphold liberties even when increased security could be achieved by tightening state control. However, the narrative of security in the post-September 11 context is one that favours extraordinary measures and exceptional tactics, which means that state discourses that equate openness with vulnerability cannot be dismissed, even where assurances are given.

5.4 The Many Meanings of Security

'Security' and 'national security' are among the terms tracked using the second coding scheme employed in this study. Of the six terms tracked, 'security / national security' appeared more than any other terms, with a total of 917 instances (compared to

the next most common term, 'terrorist', at 592 instances). In seven of the selected texts, 'security / national security' was the most frequently used of the tracked terms. The multiple observed permutations of 'security', coupled with its ambiguity, led to a more thorough analysis of the themes associated with the concept than was employed for the other terms tracked using the second coding scheme, with the outcome being more similar to the thematic analysis employed for the concepts associated with the third coding scheme.

'Security / national security was found to be employed in conjunction with a wide variety of qualifiers and companion terms, including security organizations, security agencies, security interest, security issues, Canadian security, international security, national security confidentiality, security intelligence, security enforcement, security environment, operational security, security consciousness, security community, economic security, personal security, individual security, public security, security threat assessment, security enhancement, air security, transport security, border security, security measures, security clearances, security improvements, security measures, security issues, security assets, critical infrastructure security, security redundancy, and a 'child's sense of security', among others. While it is possible to make some general observations about what 'security' is intended to mean in these instances, it would be erroneous to propose that a common conceptualization of 'security' is present in official Canadian discourse.

As concepts, 'security' and 'national security' in official Canadian discourse are characterized by an almost torturous level of ambiguity. When invoked, 'security' can qualify or contextualized a wide variety of social relations, with significant implications for policy and practice; despite this, it is impossible to pin down a specific definition or

conceptualization of these terms as they are understood in Canadian discourse. Ultimately, then, 'security' can simultaneously mean everything and nothing. Logically, it would be reasonable to expect 'Securing an Open Society', Canada's national security policy, to set the conceptual parameters of 'security' in Canadian political discourse, given that it provides the overarching framework for government policy on this subject. The document does provide a comparatively in-depth discussion of the nature of national security, but it uses the term 'security' in this definition, which renders it tautological and ultimately ambiguous:

> *National security deals with threats that have the potential to undermine the security of the state or society.* These threats generally require a national response, as they are beyond the capacity of individuals, communities or provinces to address alone. National security is closely linked to both personal and international security. While most criminal offences, for example, may threaten personal security, they do not generally have the same capacity to undermine the security of the state or society as do activities such as terrorism or some forms of organized crime. Given the nature of many of the threats affecting Canadians, national security also intersects with international security. At the same time, there are a growing number of international security threats that impact directly on Canadian security and are addresed [sic] in this strategy (PCO, 2004, p.3, emphasis added).

This approach provides an understanding of the scope of 'national security' as it is understood by the Canadian government, but it offers no explanation of what 'security' itself is. From this, we are to understand that 'national security' deals closely with identifiable 'threats', which is consistent with the theories of Kinsman et al (2000) and the nature of previous discourses on the subject. Additionally, the discussion of 'national security' advanced by the 'Securing an Open Society' policy document focuses on

"threats that have the potential to undermine the security of the *state* or society," which acknowledges the inherently political nature of security campaigns and gives some sense of the potential for tension that exists between the interests of the state and the interests of the nation or public (PCO, 2004, p.3).

An analysis of twenty (20) samples of Canadian state discourse on national security and terrorism – including the key policy and legal documents dealing with these subjects – has yielded no consistent and satisfactory description of the concept of 'national security'. Given this, it follows that the best way to develop an understanding of the meaning of this concept is to compile an aggregate picture based on its uses across the selected discourses samples.

To begin, it should be noted that by far the most commonly employed synonym for 'security' and 'national security' is 'safety'. In many cases, these concepts are used interchangeably, such that the protection of public safety is intended to mean essentially the same thing as the protection of public or national security. 'Security' and 'safety' appear to be used interchangeably in sample texts from the Privy Counsel Office (2004), the Department of Foreign Affairs and International Trade (2003; 2005), the department of Public Safety and Emergency Preparedness (2004a; 2005a), the Department of Justice, (2001a; 2004), and the Canadian Security Intelligence Service (2002; 2005a; 2005b). In all of the cases where these terms appear to be used interchangeably, it is the protective-defensive aspect of national security being discussed, as opposed to the contextual or confidentiality aspects (discussed later). This means that 'safety' cannot act as a straightforward substitute for 'security' in all aspects of contemporary national security discourses, as it does not have the same conceptual flexibility. Moreover, there are a

number of instances where the phrase "public safety and security" appears in the selected discourses, for example in DFAIT's (2003) 'Backgrounder on Canada's Actions Against Terrorism Since September 11'. The implication is that while state claims makers utilize the similarity between 'safety' and 'security' in their discourse for heuristic purposes (as the two terms are generally alike in meaning), they acknowledge that in certain situations, 'national security' can mean something different from 'public safety'.

'National security' is used as a stand-alone concept and a policy objective in Canadian state discourse. It is also used as a qualifier to give meaning to other concepts, often within the same document or discussion. For example, while the aforementioned 'definition' from the 'Securing an Open Society' policy document refers to 'national security' as a general objective, the same document also refers to the 'Canadian national security system' (ibid, p. 9). Still elsewhere in the same text, 'national security' is used in ways that relate it to activities designed to protect peace, order, and good government, along with state sovereignty. Threats to 'national security', according to 'Securing an Open Society', can exist in both the present and future timeframes. This is a fundamentally important observation, as it sets the stage for the anticipatory and pre-emptive discourses and policies that are associated with contemporary security campaigns. Such a combined approach, with its focus on present threats and the forward-looking anticipation of future threats, is not unique to the current security narrative; in fact, it is reminiscent of the key interests of the 1969 Royal Commission on Security, where 'subversion' and 'espionage' – both contemporary acts with future consequences – were the primary threats to Canadian national security.

National security is variously described as something that must be maintained, protected, enhanced, and defended. The discussion of 'national security' enhancements in Canadian state discourse can be of a quantitative and / or qualitative nature. For example, it is not unusual for Canadian state documents to speak of the need to 'enhance' national security, in a strictly additive manner, as though simply having more security will lead to an increase in real security. At other times, a more qualitative approach to enhancement is adopted, with specific recommendations about how better security can be achieved. Even in these situations, though, the additive principle dominates. It is accurate to say that one of the underlying themes of Canadian state discourses on national security in the post-September 11 context is an expansionary logic where more security is equated with better security. In many ways, this is directly related to the sense of urgency associated with discourses about September 11, 2001. For example, one discourse sample, a document describing the need for 'A National Security Committee of Parliamentarians', proposes that

> It is, however, apparent that for the foreseeable future the heightened threat of global terror, indelibly engraved on our minds by the outrages that occurred in the United States in September 2001, will continue to rivet our attention and consume much of the attention and resources of our national security agencies and those of our principal intelligence partners (PSEPC, 2004a, p.6).

The dominant idea of a pressing national security imperative associated with the post-September 11 context provides some insight into the popularity of expansionary discourses on security in Canada, and the related absence of official discourses calling for scale-backs or radical revisions of existing security policy.

An interesting and consistent feature of contemporary Canadian state discourses on national security is the reference to a **national security environment**. PSEPC (2004a,

p.7), for example, proposes that "National security encompasses a broad array of government activities, including military and police operations, enforcement action at our borders and ports, disease surveillance and response, agricultural inspection and the tracking of illicit terrorist financing networks. This broader national security environment will no doubt be relevant to the mandate of a national security committee of parliamentarians [...]" The Department of National Defence (2001) refers to an "emerging security environment," as does CSIS Director Jim Judd, in his presentation to the Senate Committee on the *Anti-Terrorism Act* (CSIS, 2005b), and the Department of Public Safety and Emergency Preparedness (2004a, p.6). The concept of a national security environment relates not only to the aggregate 'picture' of national security or the overall 'threat environment' in Canada and abroad, but to the capacity of this 'environment' to shape and contextualize other actions and concepts.

"Given the current national security environment ..." is a common term in contemporary Canadian state discourse, and its invocation provides a mechanism to link the traditional conceptual and practical components of 'national security' (state police, intelligence-gathering, surveillance, espionage, military intervention) with 'new' security activities, such as immigration screening, enhanced border security, security certificate detentions, and electronic surveillance. In other words, 'national security environment' is used to provide justification for actions and policies, and it is often the only justification found in the discourse in question. By describing something as necessary, 'given the current national security environment', one invokes the imperatives of the post-September 11 context, in a way that makes them seem imminently reasonable and commonly understood.

Another key aspect of national security, as it is invoked in the selected discourse samples, is to argue a need for confidentiality and secrecy. Security intelligence, the primary focus of many discourses on national security (for example, PSEPC 2004a), deals with the powers associated with the collection and use of intelligence by the state for security purposes. Prior to the events of September 11, 2001, and particularly during the Cold War, 'security' was closely related to the protection of state secrets (Kinsman et al, 2000; Royal Commission on Security, 1969), and while the conceptual 'box' associated with security has grown significantly since that time, secrecy is still a primary concern of state security discourses. The Opening Statement of the Attorney General of Canada in the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar (2004) speaks directly about the need for national security confidentiality, and proposes that the need to keep sensitive information secret trumps the rights of the Canadian public for information and disclosure. Following from this, we have seen a great deal of the Arar Inquiry conducted *in camera*, with an *amicus curiae* representing the interests of Mr. Arar and the Canadian public. The relationship between national security and secrecy or state confidentiality is a common theme throughout the sample discourses, and the underlying logic – rarely articulated – is that effective national security activities require powers of confidentiality.

The best discussion of this appears in the 'National Security Committee of Parliamentarians' document (PSEPC, 2004a, p.8), where the concepts of 'sensitive information' and 'special operational information' are explained as "a subset of the wider class of information whose disclosure to the public would be injurious to international relations or national defence or national security, and which is therefore classified". This

definition is consistent with the understanding of the national security-confidentiality correlation seen throughout the discourse samples, and it provides a valuable example of the relationship between security and insecurity in official discourse. Specialized, secret, sensitive knowledge is seen as a mechanism of security when it is held in confidence by empowered agents of the state; the same knowledge is seen as a source of insecurity when it becomes disseminated beyond these circles. Access to 'sensitive information' is consistently described as something that is granted on a 'need to know basis', with the overall effect being the construction of national security as a sector or pursuit with a strong foundation in a knowledge-power relationship.

In conclusion, while 'security' and 'national security' are central concepts in contemporary state discourse on terrorism, they remain as ambiguous and multifaceted today as they were during the Cold War (see Friedland, 1979; Kinsman et al, 2000). Security is used and understood as a goal of policy, a primary duty of democratic governments, a synonym for safety, and a commodity to be pursued and enhanced. 'National security' can refer to a prerogative of confidentiality and an environment or context that gives meaning to other concepts and phenomena. Both terms are commonly employed in relation to specific or general 'threats', which further underscores the relationship between 'security' and 'insecurity'. The malleability associated with 'security' and its capacity to qualify other terms or create compound terms ('cyber-security', for example), coupled with the apparent absence of a need to clearly articulate its core meaning(s), combine to make 'security' a uniquely powerful component of the state's discursive vocabulary.

5.5 'The Post-September 11 Context' in Official Canadian Discourse

The most significant difference between pre-September 11 2001 discourses on terrorism and national security and post-September 11 2001 discourses on terrorism and national security is the role that the events of September 11 play in the latter. Initially, this seems rational, as it fits with the nature of post-September 11 security discourses around the world. However, setting aside any simple explanations based on the fact that 'everybody's doing it', the manner in which Canadian discourses have embraced the post-September 11 context warrants careful consideration and scrutiny. The term 'new normal' does not appear in any of the selected discourses, although it is not absent from spoken Canadian political dialogue (see for example, Anne McLelland's statements following the July 2005 attacks in London). Everything that this term seems to imply is clearly present in the discourses samples, though; contemporary Canadian discourses on terrorism embrace September 11 as a point of departure, as the beginning of a 'new reality', and – most importantly – as a contextual demarcation that continues to give meaning to other events and phenomena (as discussed by Duessell, 2002).

In speaking about 'historical splits' on the order of September 11, 2001, Duessell (2002, un-paginated document) makes the important observation that

> The interpretation of the event will shape the ways other events and developments are seen and interpreted. Chains of action based upon the respective interpretation will be initiated and carried through. Facts will be created.

This captures the role that the event of September 11, 2001 plays in contemporary Canadian discourse. Initial assertions that 'things have changed', and that 'something must be done' have become interpreted as unassailable facts, and more recent discourses now take this sense of urgency and necessity as a starting point, on which responses

should logically be built. Comparing discourses from 2005 to those from 2001 or 2002 shows that the post-September 11 context in Canada appears to be open-ended, as the sense of urgency associated with the September 11 event-reference is undiminished and unqualified. In fact, contemporary claims about the urgency and severity of the post-September 11 context seem more solidified and far-reaching in their implications than those that immediately followed the attacks in 2001. Duessell (2002, un-paginated document) provides a good explanation for this when he proposes that "*With the accumulation of facts brough [sic] about by actions shaped by the interpretation of an event as marking a historical split, that very event increasingly solidifies into such a spli*".

There have been enough responses to September 11, 2001 – or, at least, actions that were explained as responses to September 11, 2001 – that it has become almost counterintuitive to question the legitimacy of the initial calls for something drastic to be done.

Discourse samples originating shortly after September 11, 2001 tend to focus on the need to respond to that particular event, and to the possibility that a similar event will occur again. For example, in a 2001 Department of Justice release about the A*nti Terrorism Act*, then Deputy Prime Minister Anne McLellan states that "The horrific events of September 11 remind us that we must continue to work with other nations to confront terrorism and ensure the full force of Canadian law is brought to bear against those who support, plan and carry out acts of terror - we will cut off their money, find them and punish them" (DOJ, 2001).

She also notes the four objectives of the Government of Canada's Anti-Terrorism Plan:

- stop terrorists from getting into Canada and protect Canadians from terrorist acts;
- bring forward tools to identify, prosecute, convict and punish terrorists;
- prevent the Canada-US border from being held hostage by terrorists and impacting on the Canadian economy; and
- work with the international community to bring terrorists to justice and address the root causes of such hatred (DOJ, 2001).

This illustrates the manner in which discourses that immediately followed September 11 are guided by the details of the events, and by a perceived need to respond to the image of terrorism that they provide. More recent discourses continue to share the sense of urgency and necessity associated with earlier texts in relation to the events of September 11. For example:

> It is, however, apparent that *for the foreseeable future the heightened threat of global terror, indelibly engraved on our minds by the outrages that occurred in the United States in September 2001*, will continue to rivet our attention and consume much of the attention and resources of our national security agencies and those of our principal intelligence partners (PSEPC, 2004a, p.6, emphasis added).

And,

> The bombings of commuter trains in Madrid in March of 2004 provided a stark *reminder of the risks of terrorism and the vulnerability of open, democratic societies to it. The Bali bombing of October 2002 and the attacks of September 11 are part of the same phenomenon* (PCO, 2004, p. 6, emphasis added).

Added to these persistent references to September 11, 2001, and their use as illustrations of the need to mobilize additional security resources, are discourses that use September 11, 2001 as an entry point into a larger discussion of security and risk. The 2004 National Security Policy of Canada, for example, proposes that

> We have always faced threats to our national security. As we move forward into the 21st century, we face new and more complex ones. Today, individuals have the power to undermine our security in a way that only hostile states were once able to accomplish. *The September 11, 2001, attacks were a powerful example of this.*
> Terrorism is a global challenge that has been recognized by the United Nations as a crime against humanity. Canada is not immune to this threat.
> *But the threats we face are not limited to terrorism.* The SARS (severe acute respiratory syndrome) outbreak demonstrated the power of

> individuals to unintentionally transmit threats around the globe at the speed of air travel.
> The Government is determined to pursue our national security interests and to be relentless in the protection of our sovereignty and our society in the face of these new threats (PCO, 2004, p. 1, emphasis added).

Examples of variations of the 'everything has changed' thesis regarding September 11, 2001 are visible throughout the selected discourses. CSIS (2002, p. 2) proposes that September 11 "changed the rules fundamentally and perhaps irrevocably". The same text describes September 11 as "unprecedented" and the "most significant" terrorist event. OCIPEP's (2002) report on the 'Critical Infrastructure Protection Lessons Learned' in relation to September 11 suggests that the attacks on New York and Washington brought to light previously unrecognized vulnerabilities that must now be responded to. DFAIT (2003) fully embraces the theme of necessity in relation to post-September 11 responses, and its report on Canada's actions since that time emphasizes the presence of new threats, new risks, and the demand for swift responses. In an opening address to the Arar Commission, the Attorney General of Canada describes the urgent need to enhance security capabilities in the wake of the September 11, 2001 events that led to new roles and activities for CSIS and the RCMP, among other organizations. PSEPC's report on the 'Modernization of the Emergency Preparedness Act' (2005a, p. 5) proposes that there are "new vulnerabilities" and "new assumptions" associated with the post-September 11 context, and that the threat environment faced by Canada in the post-September 11 context is a new and more serious one than was the case before, requiring that authorities respond with new and intensified measures. PSEPC (2005a, p.7) encapsulates all of these arguments by referring to a "new reality".

Another characteristic of the selected discourses is a tendency to universalize the implications of the events of September 11, 2001, or at least to 'Canadianize' them. As

the above examples illustrate, the September 11 attacks are considered a mobilizing event by Canadian state claims-makers, who readily speak of the new imperatives and urgent need for response associated with the post-September 11 context. Absent from any of the discourse samples is a truly satisfactory explanation of why the events in the United States on September 11, 2001 demand such a complete re-assessment of Canadian national security policy. In fact, statements to the effect that "it could have been any Western city" suggest that the attacks on America that took place on September 11, 2001 should be interpreted as symbolic attacks on all democratic nations. Given Canada's proximity to the United States, its common interests and comparable infrastructure (CSIS, 2004), Canadian state claims-makers embrace September 11, if not as a Canadian event then at least as a lesson for Canada. From this starting point, and having embraced the imperatives associated with the September 11 event, the Canadian government proceeds to mobilize Canadian resources in response. This is a clear illustration of the embracement of the general idea of a universal post-September 11 security context as a governing framework for *Canadian* action.

Table 1 – Discourse Samples (*see below for methodological note)

Discourse Sample	URL	Author	Publication Date	Revision Date	SafeCanada.ca link?
Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar: Opening Statement of the Attorney General of Canada	http://ww2.psepc-sppcc.gc.ca/publications/national_security/pdf/opening_arar_e.pdf	Attorney General of Canada (via PSEPC)	7/23/2004	N/A	No
Presentation by Jim Judd, Director Canadian Security Intelligence Service Senate Committee on *Anti-Terrorism Act*	http://www.csis-scrs.gc.ca/en/newsroom/speeches/speech07032005.asp	Canadian Security Intelligence Service	3/7/2005	N/A	Yes
Backgrounder No.8: Counter-Terrorism	http://www.csis-scrs.gc.ca/en/newsroom/backgrounders/backgrounder08.asp	Canadian Security Intelligence Service	August, 2002	11/14/2005	Yes
Canadian Security Intelligence Service Public Report 2003	http://www.csis-scrs.gc.ca/en/publications/annual_report/2003/report2003.asp	Canadian Security Intelligence Service	2004	11/14/2005	Yes
Report No. 2000/04: International Terrorism: The Threat to Canada	http://www.csis-scrs.gc.ca/en/publications/perspectives/200004.asp	Canadian Security Intelligence Service	5/3/2000	11/14/2005	Yes
Presentation by Jim Judd Director, Canadian Security Intelligence Service to the Subcommittee on Public Safety and National Security	http://www.csis-scrs.gc.ca/en/newsroom/speeches/speech22022005.asp	Canadian Security Intelligence Service	2/22/2005	11/14/2005	Yes
Backgrounder: Canada's Actions Against Terrorism Since September 11	http://www.dfait-maeci.gc.ca/anti-terrorism/canadaactions-en.asp	Department of Foreign Affairs and International Trade	N/A	2/7/2003	Yes
Interntational Crime and Terrorism: Terrorism	http://www.dfait-maeci.gc.ca/internationalcrime/terrorism-en.asp	Department of Foreign Affairs and International Trade	8/24/2005	N/A	Yes
Newsroom: Government of Canada Introduces *Anti-Terrorism Act*	http://www.justice.gc.ca/en/news/nr/2001/doc_27785.html	Department of Justice Canada	10/15/2001	10/20/2005	Yes
Public Views on the *Anti-Terrorism Act* (formerly Bill C-36): A Qualitative Study	http://www.justice.gc.ca/en/ps/rs/rep/2005/rr05-3/rr05-3.pdf	Department of Justice Canada	3/21/2004	N/A	Yes
Consolidated Statutes and Regulations: The *Anti Terrorism Act*	http://laws.justice.gc.ca/en/a-11.7/218664.html	Department of Justice Canada	12/18/2001	N/A	Yes
Backgrounder: The Department of National Defence and Canadian Forces response to September 11, 2001	http://www.forces.gc.ca/site/Newsroom/view_news_e.asp?id=430	Department of National Defence	9/4/2002	N/A	Yes

Discourse Sample	URL	Author	Publication Date	Revision Date	SafeCanada.ca link?
A National Security Committee of Parliamentarians	http://ww2.psepc-sppcc.gc.ca/publications/national_security/pdf/nat_sec_cmte_e.pdf	Department of Public Safety and Emergency Preparedness, Canada	March, 2004	4/7/2004	No
Modernization of the Emergency Preparedness Act: Consultation Paper	http://www.psepc.gc.ca/pol/em/fl/Modernization_EPA.pdf	Department of Public Safety and Emergency Preparedness, Canada	July, 2005	N/A	No
Canada's New National Security Policy Gives Prominence to Biometric Technologies	http://ww2.psepc-sppcc.gc.ca/publications/iji-iij/summer-ete04/bigger_picture_e.asp	Department of Public Safety and Emergency Preparedness, Canada	11/23/2004	N/A	Yes
Inplementation of the Public Safety Act, 2002	http://ww2.psepc-sppcc.gc.ca/publications/news/2005/20050805-3_e.asp	Department of Public Safety and Emergency Preparedness, Canada	8/5/2005	N/A	Yes
Incident Analysis: The September 11, 2001 Terrorist Attacks - Critical Infrastructure Protection Lessons Learned	http://ww3.psepc-sppcc.gc.ca/opsprods/other/IA02-001_e.pdf	Office of Critical Infrastructure Protection and Emergency Preparedness	9/27/2002	N/A	Yes
Securing an Open Society: Canada's National Security Policy	http://www.pco-bcp.gc.ca/docs/Publications/NatSecurnat/natsecurnat_e.pdf	Privy Council Office	4/27/2004	N/A	No
Responding to Stressful Events: Helping Children Cope	http://www.phac-aspc.gc.ca/publicat/oes-bsu-02/pdf/helping-child-cope_e.pdf	Public Health Agency of Canada	February, 2005	N/A	No
Responding to Stressful Events: Taking Care of Ourselves, Our Families, and Our Communities	http://www.phac-aspc.gc.ca/publicat/oes-bsu-02/pdf/communities_e.pdf	Public Health Agency of Canada	February, 2005	N/A	Yes

** A Methodological Note:*

The twenty (20) sample discourses include texts from a cross-section of federal agency and departmental claims-makers, as discussed in section 3 (Methodology). Notably absent from this list is the RCMP, an organization that plays a key role in Canadian national security policy, discourse, and practice. This absence is not considered a confound to the comprehensiveness of the study, as RCMP discourse emerges in a variety of other included texts. The reason for this has to do with both the study methodology and the nature of the discourse samples as 'living documents'; it was essential that all selected texts fit the established methodological criteria (see Figure 3.2), and particularly important that the discourse samples fell within specific the date parameters. Most online Canadian federal government texts include two dates – a date published and a date revised. The RCMP texts available online, however, routinely omit the 'date published' information, which makes it impossible to determine the original publication date, and thus, to ensure that the sample is valid given the established criteria of the study. The RCMP was contacted about

this, but could not provide the requested information without considerable delay. Given that the necessary information would not be immediately available for a member of the public to determine whether the text in question fit within the 'post-September 11' window, it was decided that RCMP texts would not be included in this study.

Table 2 – Appearance of Terms

Discourse Sample	Author	Terrorism Incidence	Terrorism Ranking	Terrorist Incidence	Terrorist Ranking	Terrorist Entity Incidence	Terrorist Entity Ranking	Threat / Risk Incidence	Threat / Risk Ranking	Security / National Security Incidence	Security / National Security Ranking	Enemy / Other Incidence	Enemy / Other Ranking
Commission of Inquiry Into the Actions of Canadian Officials in Relation to Maher Arar: Opening Statement of the Attorney General of Canada	AGC	7	2	6	3	0	N/A	6	3	29	1	0	N/A
Presentation by Jim Judd, Director Canadian Security Intelligence Service Senate Committee on *Anti-Terrorism Act*	CSIS	14	3	27	1	0	N/A	15	2	11	4	0	N/A
Backgrounder No.8: Counter-Terrorism	CSIS	54	2	84	1	0	N/A	29	3	26	4	0	N/A
Canadian Security Intelligence Service Public Report 2003	CSIS	31	4	59	3	3	5	92	1	90	2	1	6
Report No. 2000/04: International Terrorism: The Threat to Canada	CSIS	18	2	44	1	0	N/A	13	3	12	4	0	N/A
Presentation by Jim Judd Director, Canadian Security Intelligence Service to the Subcommittee on Public Safety and National Security	CSIS	12	4	30	1	0	N/A	15	3	18	2	0	N/A
Backgrounder: Canada's Actions Against Terrorism Since September 11	DFAIT	18	2	21	1	0	N/A	4	3	21	1	0	N/A
Interntational Crime and Terrorism: Terrorism	DFAIT	22	1	12	2	0	N/A	1	4	10	3	0	N/A
Newsroom: Government of Canada Introduces *Anti-Terrorism Act*	DOJ	18	2	34	1	0	N/A	1	4	7	3	0	N/A
Public Views on the *Anti-Terrorism Act* (formerly Bill *C-36*): A Qualitative Study	DOJ	185	2	197	1	2	5	19	4	22	3	1	6
Consolidated Statutes and Regulations: The *Anti Terrorism Act*	DOJ	11	1	2	3	0	N/A	2	3	7	2	0	N/A

Discourse Sample	Author	Terrorism Incidence	Terrorism Ranking	Terrorist Incidence	Terrorist Ranking	Terrorist Entity Incidence	Terrorist Entity Ranking	Threat / Risk Incidence	Threat / Risk Ranking	Security / National Security Incidence	Security / National Security Ranking	Enemy / Other Incidence	Enemy / Other Ranking
Backgrounder: The Department of National Defence and Canadian Forces response to September 11, 2001	DND	4	1	0	N/A	0	N/A	0	N/A	2	2	0	N/A
A National Security Committee of Parliamentarians	PSEPC	6	2	4	3	0	N/A	4	3	306	1	0	N/A
Modernization of the Emergency Preparedness Act: Consultation Paper	PSEPC	1	4	5	3	0	N/A	32	1	20	2	0	N/A
Canada's New National Security Policy Gives Prominence to Biometric Technologies	PSEPC	1	2	0	N/A	0	N/A	0	N/A	13	1	0	N/A
Inplementation of the Public Safety Act, 2002	PSEPC	0	N/A	0	N/A	0	N/A	3	2	10	1	0	N/A
Incident Analysis: The September 11, 2001 Terrorist Attacks - Critical Infrastructure Protection Lessons Learned	OCIPEP	0	N/A	38	1	0	N/A	9	3	16	2	0	N/A
Securing an Open Society: Canada's National Security Policy	PCO	30	3	24	4	0	N/A	179	2	295	1	0	N/A
Responding to Stressful Events: Helping Children Cope	PHAC	0	N/A	2	1	0	N/A	0	N/A	2	1	0	N/A
Responding to Stressful Events: Taking Care of Ourselves, Our Families, and Our Communities	PHAC	1	2	3	1	0	N/A	0	N/A	0	N/A	0	N/A
Total Count		433		592		5		424		917		2	
# of '1' Rankings			3		10		0		2		7		0
# of '2' Rankings			9		1		0		3		6		0
# of '3' Rankings			2		5		0		8		3		0
# of '4' Rankings			3		1		0		3		3		0
# of '5' Rankings			0		0		2		0		0		0

# of '6' Rankings			0		0		0		0		0		2
# of 'NA' Rankings			3		3		18		4		1		18

Table 3 – Summary of Findings

Findings Section	Identified Themes and Key Elements of Discourse
Conceptualizing Terrorism: Definitions and Descriptions	• **Depoliticization** of political violence (terrorism): 'old' terrorism is understood as political violence, whereas new terrorism is seen as fanatical, and grounded in a religious-ideological doctrine; • A difference between 'old' terrorism and 'new' terrorism is maintained; • Terrorism is described as a global movement that is **complex, fluid**, and **evolving**; • Terrorism is legally defined through *C-36* / the *Anti-Terrorism Act*; • '**Homegrown terrorism**' is consistently mentioned as an emerging threat; • Terrorism is conceptualized as **crime**, and as **asymmetrical warfare;** • Terrorism is described as the **greatest single threat** to Canadian national security.
Conceptualizing Terrorism-Related Risks: Threats and Mobilizing Events	• Insecurity narratives focus on **identifying vulnerabilities**, and **extrapolating on the nature of future threats;** • **Event references** are used to illustrate discourse: past terrorist events, thwarted attempts, and hypothetical future events are included and mixed; • Construction of a generalized (but vague) image of **'*the* terrorist threat';** • Emphasis on **forward-looking anticipation** of future threats.
Responding to Terrorism: Recommendations and Impediments	• There is a focus on the **precautionary principle**, and **risk**-based security; • **More *security* through *more* security**: discourses set an expansionist trajectory and a wide policy window (post-September 11 context); • Major response-related themes are **anticipation** (which involves knowledge), **vigilance** (by both the public and the state), and **preparedness** (using an 'all hazards' model); • There are **passing mentions of root causes**, with no serious commitments attached vs. preponderance of risk-based technical solutions; • Identified impediments include the difficulty of identifying potential terrorists, the availability of unregulated Internet technology, and the **vulnerabilities associated with open, democratic society**.
The Many Meanings of Security	• An **ambiguous and flexible conceptualization of 'security'** is employed; • The official definition of 'national security' includes the term 'security', which is not defined separately; • National security is seen as the **primary goal** and responsibility of the federal government; • The **security-insecurity relationship** is illustrated by the consistent association of security discourses with threat discourses; • National security **imperatives** allow for the normalization of the extraordinary (through policy) and 'national security confidentiality'; • There are consistent references to a global **national security environment**.
'The Post-September 11 Context' in Official Canadian Discourse	• The post-September 11 context is interpreted as a "**new reality**" with sweeping (unbounded) implications; • September 11, 2001 is interpreted as a **Canadian mobilizing event;** • There is an **overarching theme of novelty** – new vulnerabilities, new threats, new context, and new responses required; • Coupled with the theme of novelty is a pervasive sense of **need** (to respond).

6. Discussion

It is time for Canadians to participate in full and informed discussion of security matters, an area of public administration which all too often in the past has been the subject of misunderstanding and misconception.
Pierre Elliot Trudeau, 1969

Claims-makers within the Canadian federal government are talking about terrorism and national security, and their discourse has implications not only for Canadian national security policy, but for the general understanding of what security *is* within the public sphere. This study has examined official Canadian discourses on terrorism and national security in the post-September 11 context, and identified the core themes underlying the meta-narrative of insecurity that is presented to the public. Examined separately, many of these themes reflect a philosophy of governance that embraces exceptionality (Agamben, 2005), expansionism, and the idea that national security can be achieved through mechanisms of social control. Taken collectively, and understood in relation to contemporary policy, the discursive themes addressed in this project are illustrative of the way the Canadian government '**does security**' in the post-September 11 context.

6.1 Doing Security: The Construction of Insecurity Narratives

National Security, is, after all, something that is done; done *by* some, done *to* others, done through certain processes, and with certain effects and outcomes in mind. Christie (2000, p. 22) makes the same observation about the social construction of crime, noting that "acts are not, they become. So also with crime". Acts can only be understood as criminal transgressions insofar as an interpretive process is applied to them, and this holds true for terrorism and national security as well – doubly so when we consider the inherent role that subjectivity and intention play in defining terrorist acts. Events,

phenomena, and social problems are not automatically considered national security issues by virtue of their objective characteristics, and, as Chomsky (2001) notes, untold acts of terrorism take place around the world on a daily basis that – for various reasons – are not incorporated within dominant Western security narratives.

For something to be understood as a national security problem, and situated within the established (hegemonic) security narratives, it must be actively and deliberately constructed in a certain way, and it is this constructive process that we can understand as 'doing security'. This process is essentially communicative, and it relies on – and reinforces – a specific kind of claims-making, which we can understand as an **insecurity narrative**. From the outset, it is important to acknowledge that insecurity narratives are *owned* by the state, by virtue of its capacity to exercise formal social control measures and its ability to invoke certain prerogatives, specifically that of secrecy.

The current insecurity narrative, that of the 'new normalcy' (as it is often referred to in the United States) or 'new reality' (as it appears in Canadian discourse), shares many similarities with narratives from previous socio-historical contexts, as noted by Kinsman et al (2000) and Whitaker (1994) in relation to the Cold War. Then, as now, 'doing security' meant identifying vulnerabilities, establishing threats, and constructing an organized campaign or set of responses based on extrapolated and generalized implications. The central role played by the identification of threats and the articulation of vulnerabilities means that all security narratives are, by definition, also (primarily, even) insecurity narratives, as they necessarily present solutions only after carefully constructing a problem with grave implications.

Threats, vulnerabilities, and extraordinary responses are the three most essential elements of insecurity narratives, and it is the manipulation of these themes that makes 'doing national security' distinct from other state responses to social problems. Insecurity narratives are, at their basic level, organized discourses about specific and general threats to the safety and security (an inherently ambiguous concept) of society and / or the state. Threats to national security are considered to be serious and potentially grave – even catastrophic – in their consequences, and it is upon these potential consequences or worst-case-scenarios that insecurity narratives fixate. Indeed, when it comes to constructing insecurity narratives, the ability to extrapolate a potential future threat is arguably more important than the ability to fully explain existing or past threats. This makes forward-looking anticipation and uncertainty essential components of these narratives. Ignatieff (2004, p. 3) acknowledges that "public safety requires extrapolations about future threats on the basis of disputable facts about present ones," and that these extrapolations "come to us packaged with evaluation". This evaluation relates to the vulnerability component of insecurity narratives, in that it allows claims-makers to articulate the potential consequences associated with a given threat, and to relate this image to a discourse of risks and preparedness. It is not enough to describe terrorism as the penultimate threat to civilization; to fully construct an insecurity narrative, this assertion must be coupled with a set of specific and general statements about the unique vulnerabilities present in a given society (such as gaps in critical infrastructure protection, unsafe public transit, and the inherent weaknesses of democratic states).

If a given insecurity narrative is particularly robust, it becomes possible to speak of generalized threats and vulnerabilities. This was the case during the Cold War, where

it was common to refer to 'The Communist Threat', or 'The Red Menace'. It is true in the contemporary context as well, as evidenced by repeated references to 'The Terrorist Threat' in official Canadian discourse. These terms act as opaque vessels, containing all of the myriad references to specific threats and particular vulnerabilities, and packaging them together into an amorphous narrative that is greater than the sum of its parts. The broader and more diffused the generalized threat, the greater the overall effect of the insecurity narrative.

Once a particular problem has been constructed as a national security problem, and once the nature of the potential threat has been articulated and extrapolated upon in relation to societal vulnerabilities, it becomes possible for the state to mobilize a particular nexus of resources and powers in response. It must be stressed that, in the case of terrorism, these powers are *additive*, on top of existing policing, intelligence-gathering and investigative mechanisms. State responses to national security problems share three general characteristics that set them apart from responses to other social problems.

First, they are crisis-oriented, with a degree of what Sunstein (2005) refers to as 'probability neglect' built in. That is, they are oriented towards worst-case scenarios rather than most-likely scenarios, which encourages a focus on potential crises, disasters, or emergencies that is wholly disproportionate to the likelihood of their occurrence. Sunstein (2005, p. 83) demonstrates that *probability neglect is likely to occur when strong emotions (specifically fear) are present, and especially when vivid images / reminders of catastrophic disaster are readily available* – something to bear in mind when considering the role of future-threat extrapolations that characterizes insecurity narratives in the *post-September 11* context. The built-in probability neglect associated

with responses to national security problems means that they are not governed by the same cost-benefit or evidence-based logics associated with responses to other social problems, which helps to explain why Canada's national security policy (PCO, 2004) proudly announces the $8 billion in additional security spending that took place between September 2001 and April 2004, despite the absence of clear evidence of specific terrorist threats to Canada during that time period.

The second key characteristic of national security responses, as articulated through insecurity narratives, is their exceptionality. This is discussed throughout the literature on counter-terrorism and national security, and a consistent point of contention among academics and policymakers. In short: the state can get away with responses to national security problems that would be difficult to legitimize in relation to other problems. In the contemporary context, this means different standards for surveillance and intelligence-gathering, special police powers of arrest without warrant and 'recognizance with conditions', and a proliferation of extra-legal (and officially unacknowledged) measures such as cooperation with American officials in extraordinary rendition practices, even when the individuals concerned are Canadian citizens. Outside of Canada, it means a global shift towards different and reduced standards for the arrest, detention, and treatment of 'persons of interest' to national security campaigns, a widening gap between the rights of citizens and the rights of foreign nationals, a disturbing tendency to embrace extraordinary interrogation procedures, and a military precedent that embraces the doctrine of pre-emption.

It must be stressed that many of these responses and the powers related to them are not exclusive to national security campaigns; crime control activities in general have

experienced a consistent rate of 'mandate creep', where the previously exceptional becomes standardized (particularly in relation to the 'war on drugs'). However, insecurity narratives are distinct in that they *imply* a degree of exceptionality. It is understood that, when faced with a national security problem, the options for response on the table are not limited to those associated with 'normal' social control activities. A degree of envelope-pushing is accepted, and indeed encouraged.

This helps to explain the emphasis on 'maintaining a balance between security and civil liberties' that is a consistent focus of academic and policy literature. Ignatieff's (2004) 'The Lesser Evil' is an illustration of this, embracing exceptionality in the face of "terrorist states of emergency" provided the appropriate checks and balances are in play (ibid, p. 25). Exceptionality can be seen in the speed with which the Government of Canada passed the *Anti-Terrorism Act* following September 11, 2001. It can be seen in the indefinite detention of foreign nationals on national security grounds through Immigration Security Certificates. In London, the exceptional nature of national security campaigns explains why police acting on 'shoot to kill' orders murdered a Brazilian electrician, Jean Charles de Menezes, on wrongful suspicions that he was a suicide bomber. Kinsman et al's (2000) exploration of historical Canadian security campaigns shows us that exceptionality is not an exclusively-modern characteristic, but rather a consistent feature of state responses to threats set out in insecurity narratives.

The third general feature of national security responses is secrecy, something related to but distinct from exceptionality. Not only can the state 'do more' in relation to national security than in response to other social problems; it can also 'do more in secret'. Time and again, 'national security confidentiality' is invoked to restrict public knowledge

about particular aspects of national security campaigns (for a discussion of this, see Section 5.4, and for an example, see AGC, 2004). Publication bans, in-camera hearings, secret trials, secret testimony and evidence, secret information, classified intelligence, and shadowy guidelines are essential characteristics of national security campaigns and of insecurity narratives, both past and present. It is even possible for the state to invoke secrecy when asked to explain other invocations of secrecy. The logic underlying this power is that the disclosure of sensitive information could reveal details about state methods and techniques that could in turn further threaten national security. This argument is powerful in that it is un-testable by the general public, and upheld by tradition.

Indeed, I submit that the powers of secrecy associated with contemporary national security campaigns are effectively 'holdovers' from historical campaigns associated with different insecurity narratives. The 1969 Royal Commission on Security (discussed in section 2.2) makes information security a top priority, on level with public safety. The Commission notes that the key security concerns (threats / vulnerabilities) of the time are Communist subversion and espionage, particularly in relation to the public service. Many of the security responses outlined by Kinsman et al (2000) that were used during the Cold War period were directly geared towards protecting secret information and identifying 'leaks', spies, or weaknesses in the government's information chain. In the contemporary context, we have retained this preoccupation with secrecy, and expanded upon it, despite the absence of any realistic concerns about aggressive infiltration of the Canadian public service by enemies of the state. The case for contemporary national security confidentiality is often tenuous at best. That 'leaks' in this confidentiality seem to

consistently reveal extra-legal and unconstitutional practices is both cause for alarm and an illustration of how secrecy is used by the sate.

To recap: The state (and only the state) can 'do national security' by constructing a particular social problem, such as terrorism, within an insecurity narrative, thereby emphasizing a particular set of relationships, interpretations, and responses while closing off others. Insecurity narratives are an essential component of national security campaigns, and it is through these constellations of discourses that the concrete actions taken in relation to national security problems are rationalized and legitimized. These narratives have three core elements: threats, vulnerabilities, and responses. Insecurity narratives focus on the extrapolation of future risks and the construction of generalized threats in relation to both specific and general vulnerabilities. Discourses about national security responses are characterized by built-in probability neglect, exceptionality, and secrecy, and they function to justify activities with these features in relation to the broader insecurity narrative in question.

In addition to these characteristics, and in many ways because of them, it must be acknowledged that insecurity narratives (as they relate to national security campaigns) are 'owned' by the state. The descriptor / qualifier 'national' in 'national security' is really only tangentially related to the security campaign being constructed or 'done'. The state is the primary point of reference for national security discourses, and the key gatekeeper when it comes to deciding what constitutes a national security problem.

6.2 Doing National Security in Canada, in the Post-September 11 Context

How do the findings of this study fit with a theory of 'doing national security?' To begin, it should be noted that an analysis of official Canadian discourses on national security in the post-September 11 context readily identifies the essential components of an insecurity narrative outlined above. It is clear that contemporary Canadian security discourse focuses on the threat of terrorism, which is considered to be both omnipresent and of sufficient magnitude to warrant the mobilization of vast resources in response; Canadians, by virtue of our open society, are deemed to be vulnerable to terrorism, and the state has taken an active role in defining both general and specific areas of risk; and the discourses about Canada's responses to terrorism since September 11, 2001 embrace probability neglect, emphasize the need for exceptional action, and rely on an overarching commitment to secrecy. Clearly, the official state response to terrorism has been to engage in a national security campaign that is driven by an insecurity narrative that is similar in magnitude to that deployed during the Cold War.

'Similar in magnitude' seems to be an insufficient descriptor, though. Some of the characteristics of the contemporary insecurity narrative, as outlined by the findings of this study, are quite unique. I submit that this novelty can be directly attributed to the ongoing imprint of the events of September 11, 2001 on contemporary discourse at both the state and public levels. Indeed, while many of the overarching characteristics of the 'post September 11 context' (militarism, global hegemony and hypocrisy, exploitation, and expanding social control) are not new at all, we must acknowledge that consistently describing the current period as a 'new normalcy', 'new reality', or 'changed world' has a

cumulative effect on discourse and perception – and therefore on policy. Repeated often enough, the phrase 'everything has changed' becomes a license to change everything.

At this point, it is possible to come full circle, and return to the question mentioned at the outset of this project: specifically, 'what can be said about the impact of September 11, 2001 on Canadian national security policy?' Having explored the manner in which the theme of a post-September 11 context has been used in Canadian political discourse since 2001, it seems reasonable to note that the idea of a "new reality" directly underlies contemporary Canadian claims-making in relation to national security (see PCO, 2004). An analysis of official Canadian discourses shows consistent themes of novelty and urgency operating in the texts prepared by the state for public consumption. The *necessity* of responding to new realities and in relation to new security imperatives is a uniform component of government discourse, transcending departmental and agency boundaries. We can conclude, then, that the post-September 11 context is seen by the state as a context where action is called for and change is necessary, specifically in relation to national security activities. Interestingly, this overarching theme of necessity is precisely what Giorgio Agamben (2005, p. 1) observes as the foundation of the 'state of exception'. He notes that governance in times of crisis often refers to the ancient maxim *necessitas legem non habet* (necessity has no law), which opens the door to exceptional, boundary-pushing action.

September 11, 2001 is more than a context for action and change, though. It is the dominant frame of reference and historical point of departure for contemporary claims-making on security and terrorism. Other events that pre-date September 11 are mentioned throughout contemporary Canadian political discourses, but they are almost always

tacked-on examples to provide additional illustration of the seriousness of the terrorist threat. They do not contextualize contemporary action. Canadian national security policy and discourse is post-September 11, not post-Air India, and certainly not post-October Crisis. When it comes to justifying the need and urgency associated with new security measures, the state readily refers to the events of September 11, 2001, which is clearly and unambiguously interpreted as having almost limitless significance in relation to Canada. Despite the fact that it was an American event, September 11, 2001 has had and continues to have a greater impact on Canadian security political discourse than any single 'security event' that came before.

Herein lies a significant problem. This study illustrates the ways in which official Canadian discourses on terrorism and national security have embraced the idea of a '***post***-September 11 context'. Also noted are the ways in which contemporary terrorism is conceptualized as being apolitical, and the emphasis put on precautionary and mitigation-oriented responses in government texts. Adding these elements together into a single narrative (which is the case with contemporary discourses on security) creates a picture of a world where a single event frames all actions that have followed it; where the cause of terrorism is understood as the result of fanatical religious ideology as opposed to political grievance; and where identifying and neutralizing enemies is understood as praiseworthy prevention policy. Put simply: the post-September 11 context is both an apolitical and an 'ahistorical' one in Canadian discourse. It began on September 11, 2001, and it continues today with no end in sight. **It gives absolutely no attention to the history of September 11, 2001, nor does it address the politics that direct the ideology associated with contemporary terrorism.** CSIS reports consistently describe

contemporary terrorism as a manifestation of radical Islamist ideology, overlooking the relationship between terror attacks and foreign policy, and this analysis is supported by other government discourses. The need to respond to the threat of terrorism in the post-September 11 context is understood to be an unquestionable truth; the need to understand the history of the September 11 attacks in order to truly address the root causes of terrorism is almost completely overlooked.

Here again we can return to Foucault's (1975/1995) observations about the significance of the opening of the Mettray prison in the history of penology. Foucault's discussion of the development of the modern penal institution begins long before Mettray, and it continues after. He explains *how* Mettray and facilities like it came into being, and he connects this to a larger exploration of penology. Put simply, Foucault gives Mettray a history, and it is only through a historical analysis (genealogy) of the development of the prison that he arrives at his decision to use Mettray as a historical signpost. His argument that the January 22, 1840 opening of the facility represents a turning point in the history of the modern carceral system is purely retrospective, and while Foucault identifies a series of benchmarks and significant changes that followed, he does not articulate them as components of a 'post-Mettray context'. Contrast this with the characteristics of insecurity narratives in the post-September 11 context, where the 'historical signpost' attached to the event in question is collectively embraced, and where its 'Shadow Cone' (Baudrillard, 2005) is both prescriptive and actively contextualizing. Mettray is recognized as significant by Foucault because of its characteristics and its place in the history of penology; September 11, 2001 is *assumed* to be significant

(uniquely and universally so), and this assumption has been used to create history and to bring about events.

Where Foucault examines the chain of events, ideas, and practices that led to Mettray's opening (the *how* of Mettray), contemporary claims-makers have focused almost exclusively on the *post facto* characteristics of September 11, leaving the event itself largely unexplained and without a history. The 'ahistorical' nature of these discourses certainly helps to maintain the permanency of the crisis that is the core characteristic of contemporary insecurity narratives. Without any real idea of how or why the September 11 attacks happened, it is difficult to make sense of them, which fosters uncertainty – and uncertainty is a key component of the crisis mentality, as well as a source of probability neglect (Sunstein, 2005). The decision to embrace September 11 as the dawn of a 'new reality', 'new normalcy', or 'history splitting' (Duessell, 2002) treats the *result* of a chain of events as the point of departure, without recognizing the *cause*. So much ground has been covered in this manner – changes in law, policy, and thought, war, violence, secret imprisonments, acts, reactions and retaliations – that a thorough and reflexive attempt to reconsider the implications of September 11 seems impossible. In this sense, we can conclude that September 11 has had such a tremendous impact on contemporary insecurity narratives because it was, as an event, never given the opportunity to be something *other* than a historical point of departure.

Returning to the original question, we can say that September 11 acts as the license through which states – including Canada – 'do security' in the contemporary context, by virtue of its status as a global event that continues to provide an image of the threat of terrorism and an example of vulnerability. Additionally, references to September

11, 2001 act as mechanisms with which the necessity and urgency associated with the contemporary national security problem can be established. Canadian insecurity narratives treat September 11, 2001 as a 'historical signpost' (Duessell, 2002) that is both sweeping in its significance and forward-looking in its orientation. In this sense, we could say that a key role of September 11 in contemporary discourse is to influence our collective imagination of the future, thereby creating a state of permanent (or at least, indefinite) crisis; through references to September 11, state claims-makers have been able to describe our contemporary context as one where normalcy and crisis are conjoined, where a limited state of exception (as described by Agamben, 2005) is always required and implied. This is what is really being said when concepts such as 'new reality' are invoked to describe the 'national security environment' in Canada and around the world.

References to September 11, 2001 as a mobilizing event define the point of departure of the current Canadian insecurity narrative and shape the horizon of possibility for official discourse and policy. Bearing this in mind, this study indicates that there are a number of additional characteristics of this narrative 'course' that give it direction and purpose, and allow it smooth passage. Many of these specific features are discussed elsewhere in this document. Two are of sufficient import that they bear further mention.

The first theme of major import is the consistent desire to achieve more *security* through *more* security. It is an expansionary model that focuses on adding new elements of a technical nature, be they screening devices, biometrics, or new enforcement and surveillance powers, rather than re-assessing the sources of insecurity. The sample discourses emphasize the need to anticipate the future forms of terrorism, and to plan prevention strategies accordingly. With the limitless nature of the current security threat

provided by the imperatives of the post-September 11 context, it is conceivable that this expansionary trajectory will continue largely unchecked into the future. This is supported by the appearance of references to "The Terrorist Threat" in Canadian state discourse, a term that implies crisis and severity without providing any real information to the public. This sort of claims-making can only serve to encourage the probability neglect (Sunstein 2003; 2005) that is an essential component of insecurity narratives.

A general reliance on ambiguity and uncertainty in contemporary state discourse is the second theme worth emphasizing. The dominant insecurity narrative is one that calls for concrete decisions (*more* security) to be made on the basis of suspicion, potential future threats, and ambiguous concepts. Perhaps this explains the consistent references to past threats (such as September 11) in order to create an image of future peril; in the absence of concrete phenomena or clear evidence, extrapolations are necessary to maintain momentum. As a review of the literature and an analysis of current claims-making demonstrate, the core concepts of the current insecurity narrative – terrorism and security – are ambiguous to the point of being essentially contested. This provides for an incredible degree of flexibility in state action and discourse. Canada's national security policy (PCO, 2004) clearly articulates the provision of national security as the primary function of government, but offers no insights as to what security actually is, or how the public should know when they have enough of it – or whether the current campaign is increasing or reducing it. Beyond that, the campaign itself is directed at the general idea of "The Terrorist Threat," a threat so broad in nature that victory – and with it the cessation of the expansionary trajectory – can never be achieved.

What we have, then, is a dominant narrative (story) about security that, by virtue of ambiguity and a reality-altering and easily-referenced introduction (September 11), allows for the continuous addition of new chapters and makes it almost impossible to imagine a conclusion. Additionally, the sole empowered author of this narrative is the state, which, as discussed in the following section, makes changing the trajectory a very difficult prospect.

6.3 Insecurity Narratives as Pseudo-Discursive Claims-making

Contemporary discourses on national security are not really discourses in the Habermasian sense, as they do not use reasoned argumentation as the primary means of redeeming validity claims. It may be better to consider Canadian state claims-making as a *pseudo*-discursive practice. Habermas (1984, p. 42) describes discourse as a type of claims-making whereby rationally motivated agreement (regarding validity claims) could *in principle* be reached after a sufficient process of open argumentation. Canadian state claims-making regarding terrorism and national security does involve the reference to examples, to analyses, threat measurements, and other mechanisms for redeeming validity claims; but it also relies upon references to claims that cannot be redeemed openly due to 'national security secrecy' prerogatives (AGC, 2004), and upon references to authoritative bodies of knowledge that are sensitive and classified. Taken far enough, state claims about the imperatives of the post-September 11 context, about the need to respond to hypothetical threats, and about the ultimate scope and nature of threats to national security, eventually lead to the invocation of national security privileges that halt the process of open discourse.

Of course, these texts imply that rationally motivated agreement could *in principle* be reached, but they simultaneously preclude the possibility of actually reaching it in the public sphere, owing to the nature of national security. This presents a real barrier to those who would seek to challenge the assertions of the state, particularly in relation to the many claims made about national security in the post-September 11 context. For example, an interlocutor wishing to challenge PSEPC's (2005a) assertion that were are currently in a "new reality" in relation to national security must contend with the capacity of PSEPC to make reference to secret knowledge. This ownership of the national security narrative (at least, as it is understood by the majority of the public) underlies all state claims-making in this area. Hence the frustration of the attorneys tasked with defending individuals being held on immigration security certificates (Copeland & Webber, 2006) and the dissatisfaction experienced by the representatives of Maher Arar in the current Commission of Inquiry (Maherarar.ca, 2006). The former must build defence cases without knowledge of the charges or evidence against their clients, while the latter must contend with the gaps in disclosure associated with 'in camera' confidential portions of the Inquiry. In both cases, the state is able to make validity claims without having to openly and public redeem them.

These two examples are in some ways microcosms of the larger corpus of Canadian state discourse on national security in the post-September 11 context, which is why it may be beneficial to understand such claims-making as *pseudo*-discursive. Kinsman et al's (2000) discussion of the history of security campaigns in Canada also emphasizes the state's capacity to resort to secret and authoritative knowledge when discussing threats and enemies. Additionally, both the 1969 Royal Commission on

Security and the recent remarks of the Attorney General of Canada (2004)in relation to the Arar Inquiry clearly argue that state secrecy and the protection of confidential information does and should outweigh the public's 'right to know'. Evidently, *pseudo*-discursive claims-making regarding national security is not exclusive to the post-September 11 context.

The capacity of the state to assert truths without having to support them with open and public evidence is problematic, particularly if a distributive approach to national governance is considered favourable. Paquet (1999) suggests that the governance of a nation state ought to involve the participation and cooperation of a variety of actors across the public sphere, and the interaction of multiple forms of decision-making. He proposes that three mechanisms of interaction should serve to organize governance in the public sphere: quid pro quo exchange based on the market; coercion based on the polity; and gift, solidarity, and reciprocity, based on civil society. It follows that truly distributed governance can only be effectively reached if the ownership of a given phenomenon or problem – and of the discourses associated with it – is shared across these sectors. In the context of national security, however, the state is able to exert control, take ownership, and make claims on the basis of privileged access to specialized knowledge. This undermines any idea of a truly distributed model of governance in relation to the specific problems related to national security and terrorism.

Realistically then, we must appreciate that the descriptor / qualifier 'national' in 'national security' is really only tangentially related to the security campaign being constructed or 'done'. The state is the primary point of reference for national security discourses. National security threats are threats to the state, and dominant insecurity

narratives are controlled and driven by the state, in relation to problems identified by the state. Official discourse often presents national security as something akin to public safety, or the protection of the values that underpin the nation (see PCO, 2004, for example); but not all public safety problems are articulated by the state as national security problems (even when they are far more threatening to the general safety of the population than terrorism), and average public safety problems do not share the features of secrecy and exceptionality that are associated with national security problems.

The pseudo-discursive nature of insecurity narratives presents a real challenge for those who would challenge state claims about contemporary national security policy, and about the nature of terrorism. Secrecy ensures that the state always maintains an upper hand in such debates, as it is able to base apparently rational argumentation on confidential information that cannot be independently verified or challenged. When CSIS cites secret knowledge to substantiate calls for increased security and heightened vigilance, for example, its claims cannot be directly challenged on the basis of an alternative interpretation of the same data. Despite assurances of balanced and measured responses, and token gestures of accountability and oversight, the fact remains that insecurity narratives made by the state are far more monological than they are discursive. The implicit unspoken premise underlying these narratives is "trust us: you can't know what we know, but if you did, you would think as we think". The history of national security campaigns in Canada (as outlined by Kinsman et al, 2000, and Whitaker, 1994) shows us that the blind trust demanded by state secrecy imperatives has often – systematically, even – been abused for the purposes of political gain and social control. What is to be done, then? If trusting the state to act in good faith on matters of national

security is a proven mistake, and if direct engagement in rational discourse is made impossible by the uneven playing field created by secrecy imperatives, how can non-state actors effect change or redirection in dominant insecurity narratives?

There is no easy answer to this problem. Attempting to work with the state to shift the internal workings of national security campaigns risks co-optation; engaging the government indirectly by addressing the public (through writing or public claims-making) is effective in some ways, but it is still predominantly in response to (and therefore directed by) state narratives; and ignoring the impact of contemporary security campaigns is simply not an option. It must be recognized that in the *absence* of a public hue and cry, in the *absence* of acts of terrorism on home soil, and in the *absence* of a demonstrable threat, the dominant insecurity narratives continue to develop and intensify. In other words, the 'status quo' is not neutral, which means that the strategy of putting one's head down and weathering the changes brought by the 'post-September 11 context' is flawed. Silence and resilience equate to tacit authorization and acceptance, and in the absence of viable alternatives, the trajectory remains set.

The only viable option short of revolution seems to be a concerted effort to shift the popular debate over security away from its current focus (on national security and terrorism) and towards some form of security that is not owned by the state. I would suggest that the literature on human security – with its focus on lived reality and a multifaceted conceptualization of 'security' – offers promising guidance in this regard. Ultimately, given the degree of ownership that the state is able to exert over traditional national security dialogue in the public sphere, we can consider this narrative thoroughly colonized. Unless the dual problems of secrecy and exceptionality are surmounted, the

state will continue to define the terms of reference for dominant debates over national security; this is problematic given the consistent refusal to focus on the root causes of global conflict, and the observed trends towards the depoliticization of terrorism and an 'ahistorical' approach to the events of September 11, 2001. To halt or reverse the current trajectory, or at the very least to present some legitimate and viable interpretations to the public, considerable attention needs to be paid to the human experience of (in)security. In many ways, it is the ambiguity of the concept of 'security' (which is identified in the literature and clearly a feature of Canadian insecurity narratives) that gives the state such flexibility when it comes to national security campaigns. An alternative approach to these matters requires that this deliberate and highly functional ambiguity be replaced by a sociological understanding of security as a multifaceted component of lived reality.

6.4 Moving Forward

This study has taken the first, largely descriptive, step down a much longer path, and its findings offer a building block for further research. The detailed description of contemporary Canadian state insecurity narratives produced by this project provides a body of data to inform further questioning about the geopolitical and historical contexts that shape our current situation. Four specific avenues for further inquiry are suggested by the findings of this study.

First, it is necessary to consider the discourse of the Canadian state in relation to the discourses of other claims-makers engaging in dialogue about national security in the contemporary context, and to study the communicative relationships between these actors. Given that the majority of the information obtained by the public about national

security comes from media sources (albeit, often sources closely tied to or deferential to the knowledge of the state, as discussed by Jenkins, 2003, p. 139), the role of the mass media in the construction of insecurity narratives is central. On the other side of the communicative equation, independent actors such as bloggers are increasingly able to insert alternative discourses into the public sphere, and the interplay between these voices and the 'official' position of the state is an area that demands further consideration. The influence of the private sector, particularly when combined with the communicative capacity of the mass media, is also considerable. The expansion in state social control powers that has followed in the wake of the September 11, 2001 attacks has been paralleled by an expansion in the presence of national security 'experts' in broadcast and print media, and the legitimizing (or de-legitimizing) influence of expert commentary cannot be overlooked. The larger underlying issue that demands careful exploration is the relationship between these claims-making processes and the status of the citizen in democratic societies. It is argued in this study that the state, with its capacity to take extraordinary and secret actions, is able to exert a disproportionate degree of ownership over national security narratives. This doesn't mean that citizens are necessarily passive consumers of these discourses; rather, it points to a problematic monopolization of authoritative discourse by the state that demands creative responses from those who would seek a participatory role in the governance of security.

The second, and closely related avenue for further exploration is the lived reality of national security at the individual level. 'Doing' national security, through the relating of insecurity narratives and the direct actions taken as part of national security campaigns, has profound impacts on the identities, worldviews, and behaviours of

individuals and groups. Awareness of (in)security can manifest at a variety of levels, some spread more or less evenly across a society, and some very much the result of disproportionate attention. The sheer saturation of the mass media with discourses on insecurity, terrorism, risk, and vulnerability must have a sensitizing effect on the public, particularly given the themes of pervasive threat and pending but amorphous catastrophe that permeate this narrative. Accordingly, considerable time must be spent exploring the ways in which the public is affected by or implicated in the 'doing' of national security. Such explorations can be of a general or specific nature. For example, one element of state discourse mentioned in this study is the insistence that 'everyone remain vigilant' in the face of the terrorist threat. Some states, notably Britain, Australia, and the United States, have taken this call a step further by creating public service announcements and campaigns designed to teach the public when and how to be suspicious and vigilant. In Canada, awareness campaigns have targeted transit systems and their operators, and anonymous tip lines to security agencies invite the public to be alert and pass along any pertinent information. At the general level, then, the role of insecurity awareness and vigilance in lived reality is an important area for further research. More specifically, the impact of insecurity narratives and national security campaigns on particular communities or individuals demands further exploration. For example, the experience of having a close friend or loved one targeted by a national security apparatus such as an IRPA immigration security certificate has a tremendous impact upon one's sense of personal security and one's relationship with the state. This is, at present, an under-explored area in criminology, and it has the potential to shed light on the more extreme end of the 'Canadian national security experience'. This study has examined how the

state talks about national security, and suggested some relationships between this rhetoric and public policy. Expanding this focus to include the experience of insecurity as a component of lived reality at the public level would allow more robust conclusions about the nature of insecurity narratives to be drawn.

The third avenue for future inquiry opened by this study involves the political and ideological motivations at work in the construction and application of insecurity narratives. This project has outlined the nature of Canadian state discourse on national security and terrorism, and through its analysis, suggested the relationships between this body of discourse and ongoing practices of social control and othering – but the larger questions involving the interests at work, the geopolitical framework in which this narrative is imbedded, and the overarching characteristics of the dominant ideology of the global 'war on terror' require further exploration. If we assume that states and elites have reasons for their campaigns of public mobilization and enemy demonization, then the contours of the Canadian state discourse demand that we ask 'why?' 'to what end?' and 'in whose interests?' I would suggest that the best way to begin responding to these questions is to further situate the results of this study within a socio-political and historical context.

It is this exploration of the politics and history of (in)security that is the fourth area for further inquiry that stems from this project. Given that there are parallels in narrative between the contemporary discourse and previous insecurity narratives (including Canada's Cold War security campaigns), and given the familiarity of many of the aspects of the supposed 'new normalcy', it seems that a thorough exploration of the history of national security activities is necessary to inform our understanding of our

present trajectory. Additionally, and perhaps more importantly, we need to look outside the established 'box' of security studies, and to recognize the ways in which contemporary national security campaigns represent the continuation and intensification of pre-existing trends in social control. Othering, demonization, calls for public vigilance, the militarization of police, extraordinary and / or political detention, the expansion of risk-based policymaking and the expansion of state surveillance are characteristics of current national security campaigns, but they certainly did not begin with the response to the September 11 attacks. Rather, they are aspects of social control that have long been associated with campaigns such as the 'war on crime', the 'war on drugs', and the ongoing shifts in the nature of policing and intelligence-gathering in a global risk society. These parallels suggest that one way to effectively resist the politics of the 'everything has / must change' approach is to give the current socio-political context a history, by refuting the claims of novelty that it advances.

The role of different claims-makers in the construction of insecurity narratives, the various lived experiences of insecurity in daily life, the ideological engines driving the politics of security, and the situation of our current security campaign within a series of ongoing trends in social control are all key areas for further research that are closely tied to the results of this project. Ideally, by exploring these themes and questions, and by associating them with similar bodies of empirical data, it will be possible to develop a comprehensive understanding of the sociology of insecurity.

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Appendix A: Summary of *C-36* Changes

Source: Summary of *C-36*, Royal Assent Version
Available at:
http://www.parl.gc.ca/LEGISINFO/index.asp?Lang=E&Chamber=N&StartList=A&EndList=Z&Session=9&Type=0&Scope=I&query=2981&List=toc-1

SUMMARY

This enactment amends the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and a number of other Acts, and enacts the Charities Registration (Security Information) Act, in order to combat terrorism.

Part 1 amends the Criminal Code to implement international conventions related to terrorism, to create offences related to terrorism, including the financing of terrorism and the participation, facilitation and carrying out of terrorist activities, and to provide a means by which property belonging to terrorist groups, or property linked to terrorist activities, can be seized, restrained and forfeited. It also provides for the deletion of hate propaganda from public web sites and creates an offence relating to damage to property associated with religious worship.

Part 2 amends the Official Secrets Act, which becomes the *Security of Information Act*. It addresses national security concerns, including threats of espionage by foreign powers and terrorist groups, economic espionage and coercive activities against émigré communities in Canada. It creates new offences to counter intelligence-gathering activities by foreign powers and terrorist groups, as well as other offences, including the unauthorized communication of special operational information.

Part 3 amends the Canada Evidence Act to address the judicial balancing of interests when the disclosure of information in legal proceedings would encroach on a specified public interest or be injurious to international relations or national defence or security. The amendments impose obligations on parties to notify the Attorney General of Canada if they anticipate the disclosure of sensitive information or information the disclosure of which could be injurious to international relations or national defence or security, and they give the Attorney General the powers to assume carriage of a prosecution and to prohibit the disclosure of information in connection with a proceeding for the purpose of protecting international relations or national defence or security.

Part 4 amends the Proceeds of Crime (Money Laundering) Act, which becomes the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. The amendments will assist law enforcement and investigative agencies in the detection and deterrence of the financing of terrorist activities, facilitate the investigation and prosecution of terrorist activity financing offences, and improve Canada's ability to cooperate internationally in the fight against terrorism.

Part 5 amends the Access to Information Act, Canadian Human Rights Act, Canadian Security Intelligence Service Act, Corrections and Conditional Release Act, Federal Court Act, Firearms Act, National Defence Act, Personal Information Protection and Electronic Documents Act, Privacy Act, Seized Property Management Act and United Nations Act. The amendments to the National Defence Act clarify the powers of the Communications Security Establishment to combat terrorism.

Part 6 enacts the Charities Registration (Security Information) Act, and amends the Income Tax Act, in order to prevent those who support terrorist or related activities from enjoying the tax privileges granted to registered charities.

Appendix B: Selected Anti-Terrorism Components of the *Canadian Criminal Code*

Consolidated Statutes and Regulations
Main page on: Criminal Code
Disclaimer: These documents are not the official versions (more).
Source: http://laws.justice.gc.ca/en/C-46/267115.html
Act current to March 3, 2006

PART II.1

TERRORISM

Interpretation

Definitions
83.01 (1) The following definitions apply in this Part.

"Canadian"

« Canadien »
"Canadian" means a Canadian citizen, a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act or a body corporate incorporated and continued under the laws of Canada or a province.

"entity"

« entité »
"entity" means a person, group, trust, partnership or fund or an unincorporated association or organization.

"listed entity"

« entité inscrite »
"listed entity" means an entity on a list established by the Governor in Council under section 83.05.

"terrorist activity"

« activité terroriste »
"terrorist activity" means

(a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:

(i) the offences referred to in subsection 7(2) that implement the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970,

(ii) the offences referred to in subsection 7(2) that implement the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on September 23, 1971,

(iii) the offences referred to in subsection 7(3) that implement the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973,

(iv) the offences referred to in subsection 7(3.1) that implement the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979,

(v) the offences referred to in subsection 7(3.4) or (3.6) that implement the Convention on the Physical Protection of Nuclear Material, done at Vienna and New York on March 3, 1980,

(vi) the offences referred to in subsection 7(2) that implement the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on February 24, 1988,

(vii) the offences referred to in subsection 7(2.1) that implement the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988,

(viii) the offences referred to in subsection 7(2.1) or (2.2) that implement the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10, 1988,

(ix) the offences referred to in subsection 7(3.72) that implement the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997, and

(x) the offences referred to in subsection 7(3.73) that implement the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on December 9, 1999, or

(b) an act or omission, in or outside Canada,

(i) that is committed

(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and

(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

(ii) that intentionally

(A) causes death or serious bodily harm to a person by the use of violence,

(B) endangers a person's life,

(C) causes a serious risk to the health or safety of the public or any segment of the public,

(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.

"terrorist group"

« groupe terroriste »
"terrorist group" means

(a) an entity that has as one of its purposes or activities facilitating or carrying out any terrorist activity, or

(b) a listed entity,

and includes an association of such entities.

For greater certainty
(1.1) For greater certainty, the expression of a political, religious or ideological thought, belief or opinion does not come within paragraph (b) of the definition "terrorist activity" in subsection (1) unless it constitutes an act or omission that satisfies the criteria of that paragraph.

Facilitation
(2) For the purposes of this Part, facilitation shall be construed in accordance with subsection 83.19(2).

2001, c. 41, ss. 4, 126.

Financing of Terrorism

Providing or collecting property for certain activities
83.02 Every one who, directly or indirectly, wilfully and without lawful justification or excuse, provides or collects property intending that it be used or knowing that it will be used, in whole or in part, in order to carry out

(a) an act or omission that constitutes an offence referred to in subparagraphs (a)(i) to (ix) of the definition of "terrorist activity" in subsection 83.01(1), or

(b) any other act or omission intended to cause death or serious bodily harm to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict, if the purpose of that act or omission, by its nature or context, is to intimidate the public, or to compel a government or an international organization to do or refrain from doing any act,

is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years.

2001, c. 41, s. 4.

Providing, making available, etc., property or services for terrorist purposes
83.03 Every one who, directly or indirectly, collects property, provides or invites a person to provide, or makes available property or financial or other related services

(a) intending that they be used, or knowing that they will be used, in whole or in part, for the purpose of facilitating or carrying out any terrorist activity, or for the purpose of benefiting any person who is facilitating or carrying out such an activity, or

(b) knowing that, in whole or part, they will be used by or will benefit a terrorist group,

is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years.

2001, c. 41, s. 4.

Using or possessing property for terrorist purposes
83.04 Every one who

(a) uses property, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist activity, or

(b) possesses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist activity,

is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years.

2001, c. 41, s. 4.

List of Entities

Establishment of list
83.05 (1) The Governor in Council may, by regulation, establish a list on which the Governor in Council may place any entity if, on the recommendation of the Minister of Public Safety and Emergency Preparedness, the Governor in Council is satisfied that there are reasonable grounds to believe that

(a) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or

(b) the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred to in paragraph (a).

Recommendation
(1.1) The Minister may make a recommendation referred to in subsection (1) only if he or she has reasonable grounds to believe that the entity to which the recommendation relates is an entity referred to in paragraph (1)(a) or (b).

Application to Minister
(2) On application in writing by a listed entity, the Minister shall decide whether there are reasonable grounds to recommend to the Governor in Council that the applicant no longer be a listed entity.

Deeming
(3) If the Minister does not make a decision on the application referred to in subsection (2) within 60 days after receipt of the application, he or she is deemed to have

decided to recommend that the applicant remain a listed entity.

Notice of the decision to the applicant
(4) The Minister shall give notice without delay to the applicant of any decision taken or deemed to have been taken respecting the application referred to in subsection (2).

Judicial review
(5) Within 60 days after the receipt of the notice of the decision referred to in subsection (4), the applicant may apply to a judge for judicial review of the decision.

Reference
(6) When an application is made under subsection (5), the judge shall, without delay

(a) examine, in private, any security or criminal intelligence reports considered in listing the applicant and hear any other evidence or information that may be presented by or on behalf of the Minister and may, at his or her request, hear all or part of that evidence or information in the absence of the applicant and any counsel representing the applicant, if the judge is of the opinion that the disclosure of the information would injure national security or endanger the safety of any person;

(b) provide the applicant with a statement summarizing the information available to the judge so as to enable the applicant to be reasonably informed of the reasons for the decision, without disclosing any information the disclosure of which would, in the judge's opinion, injure national security or endanger the safety of any person;

(c) provide the applicant with a reasonable opportunity to be heard; and

(d) determine whether the decision is reasonable on the basis of the information available to the judge and, if found not to be reasonable, order that the applicant no longer be a listed entity.

Evidence
(6.1) The judge may receive into evidence anything that, in the opinion of the judge, is reliable and appropriate, even if it would not otherwise be admissible under Canadian law, and may base his or her decision on that evidence.

Publication
(7) The Minister shall cause to be published, without delay, in the Canada Gazette notice of a final order of a court that the applicant no longer be a listed entity.

New application
(8) A listed entity may not make another application under subsection (2), except if there has been a material change in its circumstances since the time when the entity made its last application or if the Minister has completed the review under subsection (9).

Review of list
(9) Two years after the establishment of the list referred to in subsection (1), and every two years after that, the Minister shall review the list to determine whether there are still reasonable grounds, as set out in subsection (1), for an entity to be a listed entity and make a recommendation to the Governor in Council as to whether the entity should remain a listed entity. The review does not affect the validity of the list.

Completion of review
(10) The Minister shall complete the review as soon as possible and in any event, no later than 120 days after its commencement. After completing the review, he or she shall cause to be published, without delay, in the Canada Gazette notice that the review has been completed.

Definition of "judge"
(11) In this section, "judge" means the Chief Justice of the Federal Court or a judge of that Court designated by the Chief Justice.

2001, c. 41, ss. 4, 143; 2005, c. 10, ss. 18, 34.

Admission of foreign information obtained in confidence
83.06 (1) For the purposes of subsection 83.05(6), in private and in the absence of the applicant or any counsel representing it,

(a) the Minister of Public Safety and Emergency Preparedness may make an application to the judge for the admission of information obtained in confidence from a government, an institution or an agency of a foreign state, from an international organization of states or from an institution or an agency of an international organization of states; and

(b) the judge shall examine the information and provide counsel representing the Minister with a reasonable opportunity to be heard as to whether the information is relevant but should not be disclosed to the applicant or any counsel representing it because the disclosure would injure national security or endanger the safety of any person.

Return of information
(2) The information shall be returned to counsel representing the Minister and shall not be considered by the judge in making the determination under paragraph 83.05(6)(d), if

(a) the judge determines that the information is not relevant;

(b) the judge determines that the information is relevant but should be summarized in the statement to be provided under paragraph 83.05(6)(b); or

(c) the Minister withdraws the application.

Use of information
(3) If the judge decides that the information is relevant but that its disclosure would injure national security or endanger the safety of persons, the information shall not be disclosed in the statement mentioned in paragraph 83.05(6)(b), but the judge may base the determination under paragraph 83.05(6)(d) on it.

2001, c. 41, s. 4; 2005, c. 10, s. 19.

Mistaken identity
83.07 (1) An entity claiming not to be a listed entity may apply to the Minister of Public Safety and Emergency Preparedness for a certificate stating that it is not a listed entity.

Issuance of certificate
(2) The Minister shall, within 15 days after receiving the application, issue a certificate if he or she is satisfied that the applicant is not a listed entity.

2001, c. 41, s. 4; 2005, c. 10, s. 20.

Freezing of Property

Freezing of property
83.08 (1) No person in Canada and no Canadian outside Canada shall knowingly

(a) deal directly or indirectly in any property that is owned or controlled by or on behalf of a terrorist group;

(b) enter into or facilitate, directly or indirectly, any transaction in respect of property referred to in paragraph (a); or

(c) provide any financial or other related services in respect of property referred to in paragraph (a) to, for the benefit of or at the direction of a terrorist group.

No civil liability
(2) A person who acts reasonably in taking, or omitting to take, measures to comply with subsection (1) shall not be liable in any civil action arising from having taken or omitted to take the measures, if the person took all reasonable steps to satisfy themself that the relevant property was owned or controlled by or on behalf of a terrorist group.

2001, c. 41, s. 4.

Exemptions
83.09 (1) The Minister of Public Safety and Emergency Preparedness, or a person designated by him or her, may authorize any person in Canada or any Canadian outside Canada to carry out a specified activity or transaction that is prohibited by section 83.08, or a class of such activities or transactions.

Ministerial authorization
(2) The Minister, or a person designated by him or her, may make the authorization subject to any terms and conditions that are required in their opinion and may amend, suspend, revoke or reinstate it.

Existing equities maintained
(3) All secured and unsecured rights and interests in the frozen property that are held by persons, other than terrorist groups or their agents, are entitled to the same ranking that they would have been entitled to had the property not been frozen.

Third party involvement
(4) If a person has obtained an authorization under subsection (1), any other person involved in carrying out the activity or transaction, or class of activities or transactions, to which the authorization relates is not subject to sections 83.08, 83.1 and 83.11 if the terms or conditions of the authorization that are imposed under subsection (2), if any, are met.

2001, c. 41, s. 4; 2005, c. 10, s. 21.

Disclosure
83.1 (1) Every person in Canada and every Canadian outside Canada shall disclose forthwith to the Commissioner of the Royal Canadian Mounted Police and to the Director of the Canadian Security Intelligence Service

(a) the existence of property in their possession or control that they know is owned or controlled by or on behalf of a terrorist group; and

(b) information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

Immunity
(2) No criminal or civil proceedings lie against a person for disclosure made in good faith under subsection (1).

2001, c. 41, s. 4.

Audit
83.11 (1) The following entities must determine on a continuing basis whether they are in possession or control of property owned or controlled by or on behalf of a listed entity:

(a) authorized foreign banks within the meaning of section 2 of the Bank Act in respect of their business in Canada, or banks to which that Act applies;

(b) cooperative credit societies, savings and credit unions and caisses populaires regulated by a provincial Act and associations regulated by the Cooperative Credit Associations Act;

(c) foreign companies within the meaning of subsection 2(1) of the Insurance Companies Act in respect of their insurance business in Canada;

(c.1) companies, provincial companies and societies within the meaning of subsection 2(1) of the Insurance Companies Act;

(c.2) fraternal benefit societies regulated by a provincial Act in respect of their insurance activities, and insurance companies and other entities engaged in the business of insuring risks that are regulated by a provincial Act;

(d) companies to which the Trust and Loan Companies Act applies;

(e) trust companies regulated by a provincial Act;

(f) loan companies regulated by a provincial Act; and

(g) entities authorized under provincial legislation to engage in the business of dealing in securities, or to provide portfolio management or investment counselling services.

Monthly report
(2) Subject to the regulations, every entity referred to in paragraphs (1)(a) to (g) must report, within the period specified by regulation or, if no period is specified, monthly, to the principal agency or body that supervises or regulates it under federal or provincial law either

(a) that it is not in possession or control of any property referred to in subsection (1), or

(b) that it is in possession or control of such property, in which case it must also report the number of persons, contracts or accounts involved and the total value of the property.

Immunity
(3) No criminal or civil proceedings lie against a person for making a report in good faith under subsection (2).

Regulations
(4) The Governor in Council may make regulations

(a) excluding any entity or class of entities from the requirement to make a report referred to in subsection (2), and specifying the conditions of exclusion; and

(b) specifying a period for the purposes of subsection (2).

2001, c. 41, s. 4.

Offences — freezing of property, disclosure or audit
83.12 (1) Every one who contravenes any of sections 83.08, 83.1 and 83.11 is guilty of an offence and liable

(a) on summary conviction, to a fine of not more than $100,000 or to imprisonment for a term of not more than one year, or to both; or

(b) on conviction on indictment, to imprisonment for a term of not more than 10 years.

No contravention
(2) No person contravenes section 83.1 if they make the disclosure referred to in that section only to the Commissioner of the Royal Canadian Mounted Police or the Director of the Canadian Security Intelligence Service.

2001, c. 41, s. 4.

Seizure and Restraint of Property

Seizure and restraint of assets
83.13 (1) Where a judge of the Federal Court, on an ex parte application by the Attorney General, after examining the application in private, is satisfied that there are reasonable grounds to believe that there is in any building, receptacle or place any property in respect of which an order of forfeiture may be made under subsection 83.14(5), the judge may issue

(a) if the property is situated in Canada, a warrant authorizing a person named therein or a peace officer to search the building, receptacle or place for that property and to seize that property and any other property in respect of which that person or peace officer believes, on reasonable grounds, that an order of forfeiture may be made under that subsection; or

(b) if the property is situated in or outside Canada, a restraint order prohibiting any person from disposing of, or otherwise dealing with any interest in, that property other than as may be specified in the order.

Contents of application
(1.1) An affidavit in support of an application under subsection (1) may be sworn on information and belief, and, notwithstanding the Federal Court Rules, 1998, no adverse inference shall be drawn from a failure to provide evidence of persons having personal knowledge of material facts.

Appointment of manager
(2) On an application under subsection (1), at the request of the Attorney General, if a judge is of the opinion that the circumstances so require, the judge may

(a) appoint a person to take control of, and to manage or otherwise deal with, all or part of the property in accordance with the directions of the judge; and

(b) require any person having possession of that property to give possession of the property to the person appointed under paragraph (a).

Appointment of Minister of Public Works and Government Services
(3) When the Attorney General of Canada so requests, a judge appointing a person under subsection (2) shall appoint the Minister of Public Works and Government Services.

Power to manage
(4) The power to manage or otherwise deal with property under subsection (2) includes

(a) in the case of perishable or rapidly depreciating property, the power to sell that property; and

(b) in the case of property that has little or no value, the power to destroy that property.

Application for destruction order
(5) Before a person appointed under subsection (2) destroys property referred to in paragraph (4)(b), he or she shall apply to a judge of the Federal Court for a destruction order.

Notice
(6) Before making a destruction order in relation to any property, a judge shall require notice in accordance with subsection (7) to be given to, and may hear, any person who, in the opinion of the judge, appears to have a valid interest in the property.

Manner of giving notice
(7) A notice under subsection (6) shall be given in the manner that the judge directs or as provided in the rules of the Federal Court.

Order
(8) A judge may order that property be destroyed if he or she is satisfied that the property has little or no financial or other value.

When management order ceases to have effect
(9) A management order ceases to have effect when the property that is the subject of the management order is returned to an applicant in accordance with the law or forfeited to Her Majesty.

Application to vary
(10) The Attorney General may at any time apply to a judge of the Federal Court to cancel or vary an order or warrant made under this section, other than an appointment made under subsection (3).

Procedure
(11) Subsections 462.32(4) and (6), sections 462.34 to 462.35 and 462.4, subsections 487(3) and (4) and section 488 apply, with such modifications as the circumstances require, to a warrant issued under paragraph (1)(a).

Procedure
(12) Subsections 462.33(4) and (6) to (11) and sections 462.34 to 462.35 and 462.4 apply, with such modifications as the circumstances require, to an order issued under paragraph (1)(b).

2001, c. 41, s. 4.

Forfeiture of Property

Application for order of forfeiture

83.14 (1) The Attorney General may make an application to a judge of the Federal Court for an order of forfeiture in respect of

(a) property owned or controlled by or on behalf of a terrorist group; or

(b) property that has been or will be used, in whole or in part, to facilitate or carry out a terrorist activity.

Contents of application
(2) An affidavit in support of an application by the Attorney General under subsection (1) may be sworn on information and belief, and, notwithstanding the Federal Court Rules, 1998, no adverse inference shall be drawn from a failure to provide evidence of persons having personal knowledge of material facts.

Respondents
(3) The Attorney General is required to name as a respondent to an application under subsection (1) only those persons who are known to own or control the property that is the subject of the application.

Notice
(4) The Attorney General shall give notice of an application under subsection (1) to named respondents in such a manner as the judge directs or as provided in the rules of the Federal Court.

Granting of forfeiture order
(5) If a judge is satisfied on a balance of probabilities that property is property referred to in paragraph (1)(a) or (b), the judge shall order that the property be forfeited to Her Majesty to be disposed of as the Attorney General directs or otherwise dealt with in accordance with the law.

Use of proceeds
(5.1) Any proceeds that arise from the disposal of property under subsection (5) may be used to compensate victims of terrorist activities and to fund anti-terrorist initiatives in accordance with any regulations made by the Governor in Council under subsection (5.2).

Regulations
(5.2) The Governor in Council may make regulations for the purposes of specifying how the proceeds referred to in subsection (5.1) are to be distributed.

Order refusing forfeiture
(6) Where a judge refuses an application under subsection (1) in respect of any property, the judge shall make an order that describes the property and declares that it is not property referred to in that subsection.

Notice
(7) On an application under subsection (1), a judge may require notice to be given to any person who, in the opinion of the Court, appears to have an interest in the property, and any such person shall be entitled to be added as a respondent to the application.

Third party interests
(8) If a judge is satisfied that a person referred to in subsection (7) has an interest in property that is subject to an application, has exercised reasonable care to ensure that the property would not be used to facilitate or carry out a terrorist activity, and is not a member of a terrorist group, the judge shall order that the interest is not affected by the forfeiture. Such an order shall declare the nature and extent of the interest in question.

Dwelling-house
(9) Where all or part of property that is the subject of an application under subsection (1) is a dwelling-house, the judge shall also consider

(a) the impact of an order of forfeiture on any member of the immediate family of the person who owns or controls the dwelling-house, if the dwelling-house was the member's principal residence at the time the dwelling-house was ordered restrained or at the time the forfeiture application was made and continues to be the member's principal residence; and

(b) whether the member appears innocent of any complicity or collusion in the terrorist activity.

Motion to vary or set aside
(10) A person who claims an interest in property that was forfeited and who did not receive notice under subsection (7) may bring a motion to the Federal Court to vary or set aside an order made under subsection (5) not later than 60 days after the day on which the forfeiture order was made.

No extension of time
(11) The Court may not extend the period set out in subsection (10).

2001, c. 41, s. 4.

Disposition of property
83.15 Subsection 462.42(6) and sections 462.43 and 462.46 apply, with such modifications as the circumstances require, to property subject to a warrant or restraint order issued under subsection 83.13(1) or ordered forfeited under subsection 83.14(5).

2001, c. 41, s. 4.

Interim preservation rights
83.16 (1) Pending any appeal of an order made under section 83.14, property restrained under an order issued under section 83.13 shall continue to be restrained, property seized under a warrant issued under that section shall continue to be detained, and any person appointed to manage, control or otherwise deal with that property under that section shall continue in that capacity.

Appeal of refusal to grant order
(2) Section 462.34 applies, with such modifications as the circumstances require, to an appeal taken in respect of a refusal to grant an order under subsection 83.14(5).

2001, c. 41, s. 4.

Other forfeiture provisions unaffected
83.17 (1) This Part does not affect the operation of any other provision of this or any other Act of Parliament respecting the forfeiture of property.

Priority for restitution to victims of crime
(2) Property is subject to forfeiture under subsection 83.14(5) only to the extent that it is not required to satisfy the operation of any other provision of this or any other Act of Parliament respecting restitution to, or compensation of, persons affected by the commission of offences.

2001, c. 41, s. 4.

Participating, Facilitating, Instructing and Harbouring

Participation in activity of terrorist group
83.18 (1) Every one who knowingly participates in or contributes to, directly or indirectly, any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Prosecution
(2) An offence may be committed under subsection (1) whether or not

(a) a terrorist group actually facilitates or carries out a terrorist activity;

(b) the participation or contribution of the accused actually enhances the ability of a terrorist group to facilitate or carry out a terrorist activity; or

(c) the accused knows the specific nature of any terrorist activity that may be facilitated or carried out by a terrorist group.

Meaning of participating or contributing
(3) Participating in or contributing to an activity of a terrorist group includes

(a) providing, receiving or recruiting a person to receive training;

(b) providing or offering to provide a skill or an expertise for the benefit of, at the direction of or in association with a terrorist group;

(c) recruiting a person in order to facilitate or commit

(i) a terrorism offence, or

(ii) an act or omission outside Canada that, if committed in Canada, would be a terrorism offence;

(d) entering or remaining in any country for the benefit of, at the direction of or in association with a terrorist group; and

(e) making oneself, in response to instructions from any of the persons who constitute a terrorist group, available to facilitate or commit

(i) a terrorism offence, or

(ii) an act or omission outside Canada that, if committed in Canada, would be a terrorism offence.

Factors
(4) In determining whether an accused participates in or contributes to any activity of a terrorist group, the court may consider, among other factors, whether the accused

(a) uses a name, word, symbol or other representation that identifies, or is associated with, the terrorist group;

(b) frequently associates with any of the persons who constitute the terrorist group;

(c) receives any benefit from the terrorist group; or

(d) repeatedly engages in activities at the instruction of any of the persons who constitute the terrorist group.

2001, c. 41, s. 4.

Facilitating terrorist activity
83.19 (1) Every one who knowingly facilitates a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Facilitation
(2) For the purposes of this Part, a terrorist activity is facilitated whether or not

(a) the facilitator knows that a particular terrorist activity is facilitated;

(b) any particular terrorist activity was foreseen or planned at the time it was facilitated; or

(c) any terrorist activity was actually carried out.

2001, c. 41, s. 4.

Commission of offence for terrorist group
83.2 Every one who commits an indictable offence under this or any other Act of Parliament for the benefit of, at the direction of or in association with a terrorist group is guilty of an indictable offence and liable to imprisonment for life.

2001, c. 41, s. 4.

Instructing to carry out activity for terrorist group
83.21 (1) Every person who knowingly instructs, directly or indirectly, any person to carry out any activity for the benefit of, at the direction of or in association with a terrorist group, for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity, is guilty of an indictable offence and liable to imprisonment for life.

Prosecution
(2) An offence may be committed under subsection (1) whether or not

(a) the activity that the accused instructs to be carried out is actually carried out;

(b) the accused instructs a particular person to carry out the activity referred to in paragraph (a);

(c) the accused knows the identity of the person whom the accused instructs to carry out the activity referred to in paragraph (a);

(d) the person whom the accused instructs to carry out the activity referred to in paragraph (a) knows that it is to be carried out for the benefit of, at the direction of or in association with a terrorist group;

(e) a terrorist group actually facilitates or carries out a terrorist activity;

(f) the activity referred to in paragraph (a) actually enhances the ability of a terrorist group to facilitate or carry out a terrorist activity; or

(g) the accused knows the specific nature of any terrorist activity that may be facilitated or carried out by a terrorist group.

2001, c. 41, s. 4.

Instructing to carry out terrorist activity
83.22 (1) Every person who knowingly instructs, directly or indirectly, any person to carry out a terrorist activity is guilty of an indictable offence and liable to imprisonment for life.

Prosecution
(2) An offence may be committed under subsection (1) whether or not

(a) the terrorist activity is actually carried out;

(b) the accused instructs a particular person to carry out the terrorist activity;

(c) the accused knows the identity of the person whom the accused instructs to carry out the terrorist activity; or

(d) the person whom the accused instructs to carry out the terrorist activity knows that it is a terrorist activity.

2001, c. 41, s. 4.

Harbouring or concealing
83.23 Every one who knowingly harbours or conceals any person whom he or she knows to be a person who has carried out or is likely to carry out a terrorist activity, for the purpose of enabling the person to facilitate or carry out any terrorist activity, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

2001, c. 41, s. 4.

Hoax Regarding Terrorist Activity

Hoax — terrorist activity
83.231 (1) Every one commits an offence who, without lawful excuse and with intent to cause any person to fear death, bodily harm, substantial damage to property or serious interference with the lawful use or operation of property,

(a) conveys or causes or procures to be conveyed information that, in all the circumstances, is likely to cause a reasonable apprehension that terrorist activity is occurring or will occur, without believing the information to be true; or

(b) commits an act that, in all the circumstances, is likely to cause a reasonable apprehension that terrorist activity is occurring or will occur, without believing that such activity is occurring or will occur.

Punishment
(2) Every one who commits an offence under subsection (1) is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) an offence punishable on summary conviction.

Causing bodily harm
(3) Every one who commits an offence under subsection (1) and thereby causes bodily harm to any other person is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.

Causing death
(4) Every one who commits an offence under subsection (1) and thereby causes the death of any other person is guilty of an indictable offence and liable to imprisonment for life.

2004, c. 15, s. 32.

Proceedings and Aggravated Punishment

Attorney General's consent
83.24 Proceedings in respect of a terrorism offence or an offence under section 83.12 shall not be commenced without the consent of the Attorney General.

2001, c. 41, s. 4.

Jurisdiction
83.25 (1) Where a person is alleged to have committed a terrorism offence or an offence under section 83.12, proceedings in respect of that offence may, whether or not that person is in Canada, be commenced at the instance of the Government of Canada and conducted by the Attorney General of Canada or counsel acting on his or her behalf in any territorial division in Canada, if the offence is alleged to have occurred outside the province in which the proceedings are commenced, whether or not proceedings have previously been commenced elsewhere in Canada.

Trial and punishment
(2) An accused may be tried and punished in respect of an offence referred to in subsection (1) in the same manner as if the offence had been committed in the territorial division where the proceeding is conducted.

2001, c. 41, s. 4.

Sentences to be served consecutively
83.26 A sentence, other than one of life imprisonment, imposed on a person for an offence under any of sections 83.02 to 83.04 and 83.18 to 83.23 shall be served consecutively to

(a) any other punishment imposed on the person, other than a sentence of life imprisonment, for an offence arising out of the same event or series of events; and

(b) any other sentence, other than one of life imprisonment, to which the person is subject at the time the sentence is imposed on the person for an offence under any of those sections.

2001, c. 41, s. 4.

Punishment for terrorist activity
83.27 (1) Notwithstanding anything in this Act, a person convicted of an indictable offence, other than an offence for which a sentence of imprisonment for life is imposed as a minimum punishment, where the act or omission constituting the offence also constitutes a terrorist activity, is liable to imprisonment for life.

Offender must be notified
(2) Subsection (1) does not apply unless the prosecutor satisfies the court that the offender, before making a plea, was notified that the application of that subsection would be sought.

Investigative Hearing

Definition of "judge"
83.28 (1) In this section and section 83.29, "judge" means a provincial court judge or a judge of a superior court of criminal jurisdiction.

Order for gathering evidence
(2) Subject to subsection (3), a peace officer may, for the purposes of an investigation of a terrorism offence, apply ex parte to a judge for an order for the gathering of information.

Attorney General's consent
(3) A peace officer may make an application under subsection (2) only if the prior consent of the Attorney General was obtained.

Making of order
(4) A judge to whom an application is made under subsection (2) may make an order for the gathering of information if the judge is satisfied that the consent of the Attorney General was obtained as required by subsection (3) and

(a) that there are reasonable grounds to believe that

(i) a terrorism offence has been committed, and

(ii) information concerning the offence, or information that may reveal the whereabouts of a person suspected by the peace officer of having committed the offence, is likely to be obtained as a result of the order; or

(b) that

(i) there are reasonable grounds to believe that a terrorism offence will be committed,

(ii) there are reasonable grounds to believe that a person has direct and material information that relates to a terrorism offence referred to in subparagraph (i), or that may reveal the whereabouts of an individual who the peace officer suspects may commit a terrorism offence referred to in that subparagraph, and

(iii) reasonable attempts have been made to obtain the information referred to in subparagraph (ii) from the person referred to in that subparagraph.

Contents of order
(5) An order made under subsection (4) may

(a) order the examination, on oath or not, of a person named in the order;

(b) order the person to attend at the place fixed by the judge, or by the judge designated under paragraph (d), as the case may be, for the examination and to remain in attendance until excused by the presiding judge;

(c) order the person to bring to the examination any thing in their possession or control, and produce it to the presiding judge;

(d) designate another judge as the judge before whom the examination is to take place; and

(e) include any other terms or conditions that the judge considers desirable, including terms or conditions for the protection of the interests of the person named in the order and of third parties or for the protection of any ongoing investigation.

Execution of order
(6) An order made under subsection (4) may be executed anywhere in Canada.

Variation of order
(7) The judge who made the order under subsection (4), or another judge of the same court, may vary its terms and conditions.

Obligation to answer questions and produce things
(8) A person named in an order made under subsection (4) shall answer questions put to the person by the Attorney General or the Attorney General's agent, and shall produce to the presiding judge things that the person was ordered to bring, but may refuse if answering a question or producing a thing would disclose information that is protected by any law relating to non-disclosure of information or to privilege.

Judge to rule
(9) The presiding judge shall rule on any objection or other issue relating to a refusal to answer a question or to produce a thing.

No person excused from complying with subsection (8)
(10) No person shall be excused from answering a question or producing a thing under subsection (8) on the ground that the answer or thing may tend to incriminate the person or subject the person to any proceeding or penalty, but

(a) no answer given or thing produced under subsection (8) shall be used or received against the person in any criminal proceedings against that person, other than a prosecution under section 132 or 136; and

(b) no evidence derived from the evidence obtained from the person shall be used or received against the person in any criminal proceedings against that person, other than a prosecution under section 132 or 136.

Right to counsel
(11) A person has the right to retain and instruct counsel at any stage of the proceedings.

Order for custody of thing
(12) The presiding judge, if satisfied that any thing produced during the course of the examination will likely be relevant to the investigation of any terrorism offence, shall order that the thing be given into the custody of the peace officer or someone acting on the peace officer's behalf.

2001, c. 41, s. 4.

Arrest warrant
83.29 (1) The judge who made the order under subsection 83.28(4), or another judge of the same court, may issue a warrant for the arrest of the person named in the order if the judge is satisfied, on an information in writing and under oath, that the person

(a) is evading service of the order;

(b) is about to abscond; or

(c) did not attend the examination, or did not remain in attendance, as required by the order.

Execution of warrant

(2) A warrant issued under subsection (1) may be executed at any place in Canada by any peace officer having jurisdiction in that place.

Person to be brought before judge
(3) A peace officer who arrests a person in the execution of a warrant issued under subsection (1) shall, without delay, bring the person, or cause the person to be brought, before the judge who issued the warrant or another judge of the same court. The judge in question may, to ensure compliance with the order, order that the person be detained in custody or released on recognizance, with or without sureties.

2001, c. 41, s. 4.

Recognizance with Conditions

Attorney General's consent required to lay information
83.3 (1) The consent of the Attorney General is required before a peace officer may lay an information under subsection (2).

Terrorist activity
(2) Subject to subsection (1), a peace officer may lay an information before a provincial court judge if the peace officer

(a) believes on reasonable grounds that a terrorist activity will be carried out; and

(b) suspects on reasonable grounds that the imposition of a recognizance with conditions on a person, or the arrest of a person, is necessary to prevent the carrying out of the terrorist activity.

Appearance
(3) A provincial court judge who receives an information under subsection (2) may cause the person to appear before the provincial court judge.

Arrest without warrant
(4) Notwithstanding subsections (2) and (3), if

(a) either

(i) the grounds for laying an information referred to in paragraphs (2)(a) and (b) exist but, by reason of exigent circumstances, it would be impracticable to lay an information under subsection (2), or

(ii) an information has been laid under subsection (2) and a summons has been issued, and

(b) the peace officer suspects on reasonable grounds that the detention of the person in custody is necessary in order to prevent a terrorist activity,

the peace officer may arrest the person without warrant and cause the person to be detained in custody, to be taken before a provincial court judge in accordance with subsection (6).

Duty of peace officer
(5) If a peace officer arrests a person without warrant in the circumstance described in subparagraph (4)(a)(i), the peace officer shall, within the time prescribed by paragraph (6)(a) or (b),

(a) lay an information in accordance with subsection (2); or

(b) release the person.

When person to be taken before judge
(6) A person detained in custody shall be taken before a provincial court judge in accordance with the following rules:

(a) if a provincial court judge is available within a period of twenty-four hours after the person has been arrested, the person shall be taken before a provincial court judge without unreasonable delay and in any event within that period, and

(b) if a provincial court judge is not available within a period of twenty-four hours after the person has been arrested, the person shall be taken before a provincial court judge as soon as possible,

unless, at any time before the expiry of the time prescribed in paragraph (a) or (b) for taking the person before a provincial court judge, the peace officer, or an officer in charge within the meaning of Part XV, is satisfied that the person should be released from custody unconditionally, and so releases the person.

How person dealt with
(7) When a person is taken before a provincial court judge under subsection (6),

(a) if an information has not been laid under subsection (2), the judge shall order that the person be released; or

(b) if an information has been laid under subsection (2),

(i) the judge shall order that the person be released unless the peace officer who laid the information shows cause why the detention of the person in custody is justified on one or more of the following grounds:

(A) the detention is necessary to ensure the person's appearance before a provincial court judge in order to be dealt with in accordance with subsection (8),

(B) the detention is necessary for the protection or safety of the public, including any witness, having regard to all the circumstances including

(I) the likelihood that, if the person is released from custody, a terrorist activity will be carried out, and

(II) any substantial likelihood that the person will, if released from custody, interfere with the administration of justice, and

(C) any other just cause and, without limiting the generality of the foregoing, that the detention is necessary in order to maintain confidence in the administration of justice, having regard to all the circumstances, including the apparent strength of the peace officer's grounds under subsection (2), and the gravity of any terrorist activity that may be carried out, and

(ii) the judge may adjourn the matter for a hearing under subsection (8) but, if the person is not released under subparagraph (i), the adjournment may not exceed forty-eight hours.

Hearing before judge
(8) The provincial court judge before whom the person appears pursuant to subsection (3)

(a) may, if satisfied by the evidence adduced that the peace officer has reasonable grounds for the suspicion, order that the person enter into a recognizance to keep the peace and be

of good behaviour for any period that does not exceed twelve months and to comply with any other reasonable conditions prescribed in the recognizance, including the conditions set out in subsection (10), that the provincial court judge considers desirable for preventing the carrying out of a terrorist activity; and

(b) if the person was not released under subparagraph (7)(b)(i), shall order that the person be released, subject to the recognizance, if any, ordered under paragraph (a).

Refusal to enter into recognizance
(9) The provincial court judge may commit the person to prison for a term not exceeding twelve months if the person fails or refuses to enter into the recognizance.

Conditions — firearms
(10) Before making an order under paragraph (8)(a), the provincial court judge shall consider whether it is desirable, in the interests of the safety of the person or of any other person, to include as a condition of the recognizance that the person be prohibited from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all of those things, for any period specified in the recognizance, and where the provincial court judge decides that it is so desirable, the provincial court judge shall add such a condition to the recognizance.

Surrender, etc.
(11) If the provincial court judge adds a condition described in subsection (10) to a recognizance, the provincial court judge shall specify in the recognizance the manner and method by which

(a) the things referred to in that subsection that are in the possession of the person shall be surrendered, disposed of, detained, stored or dealt with; and

(b) the authorizations, licences and registration certificates held by the person shall be surrendered.

Reasons
(12) If the provincial court judge does not add a condition described in subsection (10) to a recognizance, the provincial court judge shall include in the record a statement of the reasons for not adding the condition.

Variance of conditions
(13) The provincial court judge may, on application of the peace officer, the Attorney General or the person, vary the conditions fixed in the recognizance.

Other provisions to apply
(14) Subsections 810(4) and (5) apply, with any modifications that the circumstances require, to proceedings under this section.

2001, c. 41, s. 4.

Annual report (sections 83.28 and 83.29)
83.31 (1) The Attorney General of Canada shall prepare and cause to be laid before Parliament and the Attorney General of every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of sections 83.28 and 83.29 that includes

(a) the number of consents to make an application that were sought, and the number that were obtained, by virtue of subsections 83.28(2) and (3);

(b) the number of orders for the gathering of information that were made under subsection 83.28(4); and

(c) the number of arrests that were made with a warrant issued under section 83.29.

Annual report (section 83.3)
(2) The Attorney General of Canada shall prepare and cause to be laid before Parliament and the Attorney General of every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of section 83.3 that includes

(a) the number of consents to lay an information that were sought, and the number that were obtained, by virtue of subsections 83.3(1) and (2);

(b) the number of cases in which a summons or a warrant of arrest was issued for the purposes of subsection 83.3(3);

(c) the number of cases where a person was not released under subsection 83.3(7) pending a hearing;

(d) the number of cases in which an order to enter into a recognizance was made under paragraph 83.3(8)(a), and the types of conditions that were imposed;

(e) the number of times that a person failed or refused to enter into a recognizance, and the term of imprisonment imposed under subsection 83.3(9) in each case; and

(f) the number of cases in which the conditions fixed in a recognizance were varied under subsection 83.3(13).

Annual report (section 83.3)
(3) The Minister of Public Safety and Emergency Preparedness shall prepare and cause to be laid before Parliament and the Minister responsible for policing in every province shall publish or otherwise make available to the public an annual report for the previous year on the operation of section 83.3 that includes

(a) the number of arrests without warrant that were made under subsection 83.3(4) and the period of the arrested person's detention in custody in each case; and

(b) the number of cases in which a person was arrested without warrant under subsection 83.3(4) and was released

(i) by a peace officer under paragraph 83.3(5)(b), or

(ii) by a judge under paragraph 83.3(7)(a).

Limitation
(4) The annual report shall not contain any information the disclosure of which would

(a) compromise or hinder an ongoing investigation of an offence under an Act of Parliament;

(b) endanger the life or safety of any person;

(c) prejudice a legal proceeding; or

(d) otherwise be contrary to the public interest.

2001, c. 41, s. 4; 2005, c. 10, s. 34.

Sunset provision

83.32 (1) Sections 83.28, 83.29 and 83.3 cease to apply at the end of the fifteenth sitting day of Parliament after December 31, 2006 unless, before the end of that day, the application of those sections is extended by a resolution — the text of which is established under subsection (2) — passed by both Houses of Parliament in accordance with the rules set out in subsection (3).

Order in Council
(2) The Governor General in Council may, by order, establish the text of a resolution providing for the extension of the application of sections 83.28, 83.29 and 83.3 and specifying the period of the extension, which may not exceed five years from the first day on which the resolution has been passed by both Houses of Parliament.

Rules
(3) A motion for the adoption of the resolution may be debated in both Houses of Parliament but may not be amended. At the conclusion of the debate, the Speaker of the House of Parliament shall immediately put every question necessary to determine whether or not the motion is concurred in.

Subsequent extensions
(4) The application of sections 83.28, 83.29 and 83.3 may be further extended in accordance with the procedure set out in this section, with the words "December 31, 2006" in subsection (1) read as "the expiration of the most recent extension under this section".

Definition of "sitting day of Parliament"
(5) In subsection (1), "sitting day of Parliament" means a day on which both Houses of Parliament sit.

2001, c. 41, s. 4.

Transitional provision
83.33 (1) In the event that sections 83.28 and 83.29 cease to apply pursuant to section 83.32, proceedings commenced under those sections shall be completed if the hearing before the judge of the application made under subsection 83.28(2) began before those sections ceased to apply.

Transitional provision
(2) In the event that section 83.3 ceases to apply pursuant to section 83.32, a person detained in custody under section 83.3 shall be released when that section ceases to apply, except that subsections 83.3(7) to (14) continue to apply to a person who was taken before a judge under subsection 83.3(6) before section 83.3 ceased to apply.