

LEGALIZING THE RACIALIZATION OF MUSLIMS:
AN ANTI-ORIENTALIST DISCOURSE ANALYSIS OF THE
ANTI-TERRORISM ACT OF CANADA

by

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ABSTRACT

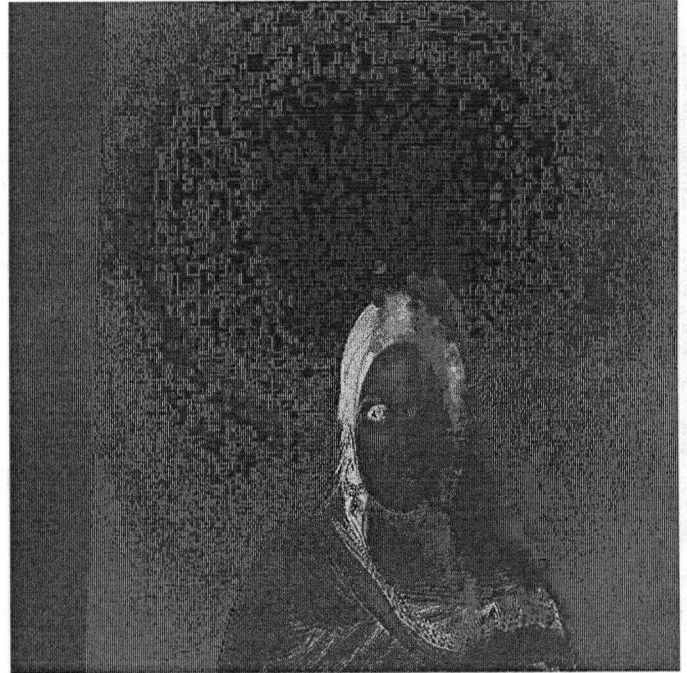
The central argument in this research is that the knowledges produced through the *Anti-terrorism Act* naturalize the Orientalist construction of male Muslim bodies as threats to the nation, while simultaneously legitimizing the Canadian nation as white. This study disrupts the binary of the security versus civil liberties debates surrounding the dominant discourses about the *Anti-terrorism Act*. Using race, space and the law as critical tools of analysis, I examine the Orientalist rationalities underpinning the successful mobilization of the *Anti-terrorism Act* as a “juridical discourse” of the Canadian nation. I read for the racialized power in the Act in order to argue that the seemingly neutral language of the Act disguises the way it represents the Orientalist construction of male Muslim bodies as inherently violent, and as a threat to the spaces of the white nation. Within this discussion, I also examine how the Orientalist imagining of Muslim women’s bodies has been deployed by the Canadian state to reify the image of Muslim man as ‘barbaric’ and ‘uncivilized’. I situate my analysis of the Act within the broader socio-political history of colonized Canada to argue that the *Anti-terrorism Act* is part of the historically racist and exclusionary discourses of the nation built on stolen land where mythologies of white supremacy are still rampant as official narratives of the nation.

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WRITING FROM THE “UNKNOWN SPACE”*



(Action: Double click on the image → MICROSOFT Word Warning: “This object is corrupt or is no longer available”. → I click on OK. That is the only ‘Option’ available.)

I begin by claiming spaces for writing my body into this text. My smudged and ‘faceless’ picture here indicates the absent presence, or perhaps the present absence of my body in this work. Writing my body into this study has not been an easy task. Perhaps this is the reason that I could not find an “appropriate” place for this picture in the chapters of this study. Thus, I leave it as part of the ‘pre-face’ here. From time to time, however, I write ‘disruptions’ into this work by “inserting in” my personal narratives.

* I borrow the term unknown space from Hartej Gill. In our discussion about why these pages should be written as the “preface,” Hartej observed that I am writing myself in the text in an unknown, unknowable, silent, and silenced space in academia. I, therefore, decided to situate my writing in this unknown space outside the main body of the text.

When my family immigrated to Canada from South-East Asia in the early 1990s, I simultaneously became a 'Paki,' a 'Punjabi,' an 'Indian,' and a 'woman of color'. The latter is a form of identification I have heartily embraced. Even though I have been a Canadian citizen for several years now, I have never felt comfortable introducing myself in this manner. Perhaps this is because my experiences in this country have time and again told me that color and 'Canadianness' do not go together. From a rigorous medical exam to determine whether our colored bodies were 'fit' and 'sane' enough to immigrate to Canada, to the suspicious stares and questions of the immigration officers and other 'real' Canadians, to giving an oath of allegiance over the Bible to the Queen, we, the non-Christian immigrants of color in this country, have never been allowed to 'feel' as Canadians. Hence, I have always remained as a woman of color in Canada, but never as a 'Canadian'.

I engage in this study as an immigrant Muslim woman of color, to highlight the marginalization of racialized Muslims in contemporary Canadian nation-building. Sobti (1979) writes:

That which is not history
And that which is history
Not that
Which in the seats of political power
Together with proofs and evidences
By being entered into historiographical note-
books
Are rendered secure
But instead
That which flows
Together with
The river Bhagīrathī of the masses
Throbs and spreads
And remains alive within
The cultural foundation of
Ordinary folk.

(Sobti, 1979, *Zindaginama*)

These verses capture the emotions I experienced while writing this study, everything that I have already written and probably that which I will never be able to write. Challenging some of the foundational and contemporary myths framing membership to citizenship and the land by bringing in narratives of those who have been violently written out of history not once but everyday is an unnerving process. The accents, the skin and the deviant body become all the more aberrant with the sour language of questions, challenges, grumps, sighs and the dark eyes that dare to meet the Gaze of the white 'g/Gatekeepers' of the nation. Yet, I embark on the process of defining my project here with a flicker of hope somewhere that this project will spark a tiny flame of anguish and hope in someone else too. I also write with the hope that this study will channel my anger into a more meaningful direction. This work is, therefore, also a narrative of hope – a hope that one day I and my children will be able to claim our bodies from the margins, and introduce ourselves as just Canadians –Canadians with bitter memories and histories of violent exclusions from the nation.

ACKNOWLEDGEMENTS

I begin by extending my heartfelt gratitude to the Musqueam people upon whose land I have had the privilege of carrying out this study.

None of my life journeys would have ever begun without the prayers of my mother. Every breath she takes is filled with prayers for her children. Thank you very much, Mummy. I would also like to thank my Dad, Akbain and Appa for patiently listening to my constant complaints about how much work I have. Your phone calls often gave me the strength to continue, especially in those moments where the academia had left me dispirited. Thank you.

This work would not have seen the light of the day without the mentor/friendship of Dr. Hartej Gill. Hartej, you have not only provided me with critical feedback in the writing of this work, but more importantly, you have taught me the significance and joy of the most difficult task ever –that of remaining human. Thank you. I would also like to extend my heartfelt gratitude to Dr. Mona Gleason. Mona, thank you for the immense support you have given me all these years. Passing your slightly opened office door in the hallway has always brought a certain assurance and relief. Thank you.

I would also like to extend my heartfelt gratitude to all those people at, and outside, UBC who have given me the space to articulate my struggles as a woman of color. I cannot name all of you here, but you know who you are. Thank you very much.

Last, but not least, I would like to acknowledge all those people whose struggles have given me the courage to fight my battles. Here, I thank all those unheard voices and unseen faces who continue to be brutally exterminated in the battle for claiming their humanity. I do not know what I have done to deserve the privileges I have been blessed with. Therefore, this work is my way of paying a tribute to you who have not been as lucky as me. With respect, I extend my heartfelt gratitude to you all today.

Shukar Allah.

DEDICATION

For those who cannot as yet see the light at the end of the labyrinth

In hopes that one day

History becomes our stories

and we can all dance

around the fire of hope

at the other end.

INTRODUCTION

Setting the stage

In the wake of the terrorist attacks on the World Trade Center and the Pentagon on 11th September 2001 (henceforth referred to as the 9-11) in New York City, security and fear have become important rationales for implementing various policies in liberal democracies of the West¹. Many countries, such as the United States, United Kingdom, Australia and Canada, implemented quick 'anti-terrorism' responses in the form of federal Acts and statutes. In addition, many countries stood alongside the United States in the violent invasion of Afghanistan and Iraq under the guise of fighting a 'war against terrorism'. The hegemonic discourses framing this war have been about the security of the American nation, and consequently of all Western nations. This discourse of bringing security and peace to the world was deployed as a moral prop by many Western states for legitimating the massive killings of people of color overseas and the draconian policies targeting Muslims of color within the Western nations.

The political situation in Canada, like in many other countries of the North, was similar. The government, under the leadership of then Prime Minister, Jean Chrétien, lent military support to the US in the invasion of Afghanistan, while simultaneously commencing the process of safeguarding Canada from similar terrorist attacks. One of the first legislative

¹ Throughout this project, I use the term 'West' to refer to rich, industrialized, predominantly white-Judeo-Christian countries that have global hegemony in the international communities with an omnipresent colonial domination world-wide. However, I also understand the term to be a racialized, mythical construct, which is defined in relation to 'the Rest', or non-white, often colonized nations. For a detailed discussion of this term, as employed in my work, see Sakai & Morris (2006), p. 374.

responses of the Government was tabling two bills as part of the federal anti-terrorism policy: Bill C-36 or the *Anti-Terrorism Act*, and Bill C-42 or the *Public Safety Act*².

Within this heightened rhetoric around security and threat, the presence of the Muslim man within borders of the nation was deployed by the Canadian state as the most potent 'problem' facing the nation. In this study, I examine this marginalization of Muslims in the post 9-11 Canadian society by arguing that the knowledge produced through the *Anti-terrorism Act* (also referred to as the *ATA* or the *Act* here), as part of an official post 9-11 "juridical discourse" (Smith, 1999) of the state, performs a physical and ideological nation-building role by targeting Muslims of color as "enemy within" the physical borders of the white settler colony³.

Razack (2002), commenting upon the legalized penalties placed upon Geneva Convention refugees entering Canada without appropriate documents under the country's *Immigration Act*, states that the "politicians justify the penalty on the grounds that the original inhabitants have a legitimate right to defend themselves from the massive influx of foreign bodies who possess few of the values of honesty, decency, and democracy of their 'hosts'" (pp. 4-5). Law thus becomes an essentially important means for defining who is to be included within the borders of the "imaginary community"⁴ (Anderson, 1983) of the nation and who needs to be excluded or kept out of the ideological and physical borders of the nation. In this process of defining the character of the nation, law, as a relation of power,

² While Bill C-42 was withdrawn and replaced by other bills with similar proposals of security measures, the *Public Safety Act* did not receive royal assent until 2004 (McMenemy, 2006, p. 310). This Bill, replaced by Bill C-17 received royal assent in 2004 as the *Public Safety Act*. It amends 23 different Acts.

³ I use the term "settler colony" here to refer to nation established by white European colonizers through violent colonization of Indigenous populations. See Razack (2002) for a detailed discussion on the formation of these white settler colonies.

⁴ In specifically referring to race here, I do not mean to assert that gender, sexuality, class and able-bodiedness are not contributing factors in determining who can or cannot become part of the nation's "imaginary community". However, I still argue that whiteness is the most important criteria for inclusion into the ideological borders of the nation founded by a settler-colony.

also structures race, gender and class hierarchies in order to demarcate those who can move freely and legitimately within the space of the nation from the racialized Other⁵ whose body, perceived as a threat, needs to be constantly surveilled within the borders.

As dominant discourses⁶ of the state, “juridical discourses” (Smith, 1999), provide certain legitimacy to the racist rationalities underpinning the project of making the Canadian nation a white space. Using the three important conceptual tools of race, space and the law as the state’s “juridical discourse”, I conduct a critical anti-Orientalist⁷ discourse analysis⁸ of the *ATA* in order to examine the contemporary nation-building function performed by the Act. In choosing to examine how Orientalist rationalities are expressed discursively⁹ through the *ATA*, I employ the Act as a prototype for an entire range of similar discursive events targeting Muslims in the post 9-11 Canadian society. Orientalism is Edward Said’s (1978) significant contribution towards a critical deconstruction of “regime of truth” (Foucault, 1980, p. 131) invested in maintaining the hegemony of colonial powers.¹⁰ This colonial “regime of truth” is based on a Western/colonial authoritative corpus of knowledge about the ‘East,’ often accumulated through colonization of land and its indigenous peoples.

⁵ I use the term Other, based on Edward Said’s *Orientalism* (1978), to refer to those whose have been historically dehumanized based on their race. These Others have usually been colonized and exterminated based on colonial rationalities of civilizing the native Other, and bringing them into modernity by force. See Said (1978) for further discussion of this term.

⁶ Henry & Tator (2002) define “dominant discourse” as the collection of expectations we take for granted. It is also distinguished by “its power to interpret major social, political, and economic issues and events” (p. 26), and rarely include the perspective of the Other. However, I caution the reader against taking dominant discourse as monolithic or static. These discourses are constantly evolving, and are formed by a multiplicity of other discourses. See Chapter II for a detailed discussion on discourse as employed in this study.

⁷ See Chapter I for a discussion on theories of Orientalism as employed in my study.

⁸ See Chapter II for details about my approach to discourse analysis.

⁹ I use the term “discursive” here as a general term to refer to “any approach in which meaning, representation and culture are considered to be constitutive” (Henry & Tator, 2002, p. 26). As such, discursive practices are exercises in power and control, for they make it difficult for individuals to think outside of them.

¹⁰ See Chapter II for a discussion on Foucault’s (1980) notion of “regime of truth” and the significance of this theory in my work.

Rationale for this study

Since 9-11 a moral panic has been incited over the presence of Muslims of color¹¹ within Western nation-states. Moral panic, conceptualized within the realms of sociology of deviance, had originally been affiliated with youth-related issues (Cohen, 1980, Hall et al., 1978). Cohen (1980) was one of the first theorists to present an inclusive definition of moral panic. His aim was to explain the reactions of the media and other public agents such as the lawmakers, and the public at large, to minor skirmishes between the Mod and Rocker youth cultures in 1960s England. He argues:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible... Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself. (p. 9)

Cohen analyzes the reaction of five segments of society responsible for generating a moral panic: the press, the public, agents of social control, lawmakers and politicians, and action groups. As Rothe and Muzzatti (2004) explain, "Public anxiety is whipped up through the use of journalistic and linguistic devices" (p. 329), and through the actions of the lawmakers, politicians and the action groups, these socially constructed moral panics often become institutionalized through various legislations and norms. As such, the media, lawyers and

¹¹ While in this particular section, I am mainly referring to Muslim men, I do discuss the way bodies of Muslim women have been deployed in this moral panic in Chapter III.

politicians become the “authorized spokespersons” (Bourdieu, 1991) of the state, whose “authoritative discourse is more subject to the norms of official propriety than any other, and it condemns the occupants of dominated positions either to silence or to shocking outspokenness” (p. 138). Dominant, discourses of the state, therefore, reflect the interests of the power elites of the society.¹²

I began this study by contextualizing the fear of the terrorist Other as a moral panic, because moral panic is a productive and critical concept, able to draw attention to the recognizable patterns of cultural meaning-making and their relations to social power. “Juridical discourses,” such as the *ATA*, often become one of the central tools deployed by the state for dealing with the object of moral panic. In this case, the *ATA* can be construed as a response to racialized¹³ moral panic about the presence of male Muslim ‘terrorists’ within the state. However, my examination of dominant discourses of national security in the post 9-11 Canadian nation divulges that the racialized aspect of the white nation’s anxiety is starkly absent. In the popular discourses of national security within Canadian security regime, debates about the *ATA* have usually been framed in the liberal language of security of the state versus civil liberties of the Canadian citizens.¹⁴ An important point of contention in these debates has been whether the Act meets the criteria for protection of human rights outlined in the *Canadian Charter of Rights and Freedoms* (henceforth referred to as the *Charter*). While some critics of the *ATA* have argued that this Act is the result of the sheer post 9-11 moral panic, the important question that I am interested in investigating in this study is which Canadian citizens are being referred to in these debates, and whether Muslims

¹² See Chapter II for a detailed discussion on power in discourses.

¹³ I employ the term racialization to refer to “the cultural or political processes or situations where race is involved as an explanation” (Murji and Solomos, cited in Henry and Tator, 2006, p. 8).

¹⁴ See Chapter IV for a review of these debates.

of color can ever claim a legitimate presence within the racialized space of the white nation?

As such, I will place the *ATA* within the broader national experience and structures of institutional power legitimizing forms of state control, solidifying moral values and marginalizing dissent.

My central thesis in this study is that the knowledges produced through the *ATA* naturalize the Orientalist construction of male Muslim bodies as threats to the nation, while simultaneously legitimizing the Canadian nation as white¹⁵. This study is therefore innovative for it acts as an intervention by disrupting the binary of state security versus civil liberties debates permeating dominant discourses around the Act. Through a critical anti-Orientalist discourse analysis, I hope to offer a counter-narrative to the official stories of terrorism told through racialized legislations such as the *ATA* and other everyday practices such as the surveillance of male Muslim bodies of color by white Canadians. Given Canada's history of violent colonization of Aboriginal peoples, and the quick, draconian response towards Japanese and Ukrainians during World War II, stigmatization of Muslims and those who 'look like' Muslims¹⁶ as targets of the suspicion of the state and of Canadians-as-members-of-the-nation¹⁷ deserves careful and critical scholarly attention. My intention in this

¹⁵ In specifically referring to the whiteness of Canadian nation, I do not intend to assert that this nation has not simultaneously been constructed as masculine, heterosexual, middle-class and able-bodied.

¹⁶ I discuss the racialization of Muslims in later chapters.

¹⁷ I have borrowed the phrase "Canadians-as-members-of-the-nation" from Sunera Thobani (2003, 2000). She uses this term to refer to the white settlers in Canada, who, through violent histories of colonization and inequalities inherent in the social structure of the society continue to imagine themselves as the rightful owners of the land. In doing so, they reinforce the concept of *terra-nullius* or 'empty land' pre-invasion. Within this context, the presence of bodies of color is constructed as a burden on the white nation, so that the non-Whites can never become part of the national imaginary, and hence remain outside the legitimate or 'official' spaces of the nation. See Chapter I for a detailed discussion of this process of imagining the nation in particular ways.

study is to place the problematic Muslim body post 9-11 within the racialized socio-historical treatment of other bodies of color within Canada.¹⁸

One of the most important rationales for this study, however, stems from my own marginalized subject location in the Canadian society. As an immigrant Muslim woman of color, I have everyday experiences as well as histories of racisms reminding me that I can never occupy the 'pristine' space of the nation's "imaginary community" (Anderson, 1983).¹⁹ However, this understanding has produced a certain sense of urgency for bringing my "everyday/evernight" (Smith, 1999) realities into my anti-Orientalist discourse analysis of the Act. While I will explicate the methodological framework guiding this study in Chapter II, I want to bring the reader's attention to the personal narratives I have written throughout this work. These fragmented pieces of personal narratives serve the purpose of inserting my body into this alternative reading of the *ATA* in a more direct and powerful manner. Although my work is largely informed by anti racist and anti-Orientalist theorists in attempts to decolonize my work, it has been impossible to move out of the colonial expectations of the Eurocentric academy. As such, this work which has been written in the spirit of resisting the hegemonic narratives of the nation, often loses its spirit of challenging and fighting the 'norms' well established within the academia and the society at large. I therefore offer these personal narratives as a means of reminding the readers that this work has been written by a woman in multiple locations of marginality. I often rely on these powerful interruptions to convey that which I do not have the courage to write here. As such, these might not make

¹⁸ For treatment of people of color in Canada, see Backhouse (1999), Bannerji (2000), Dua (1999), Razack (2002, 2004), Thobani (2000, 2003), and Willinsky (1998, 1999). In this work, I do not discuss the 1970s *War Measures Act* that the Canadian government institutionalized against Japanese-Canadians. See Oikawa (2002) for a critical discussion on the spatializing of the narrative internment of Japanese-Canadians.

¹⁹ I use the term 'immigrant' to refer not only to those people in Canada who have not as yet acquired their citizenship, but also to those racialized groups who, despite their citizenship status, are outside the ideological borders of the nation due to their race/culture.

complete sense to the reader, who might even find them “out of context”. Tuhiwai-Smith (2002) states that “The past, our stories local and global, the present, our communities, cultures, languages and social practices –all may be spaces of marginalization, but they have also become spaces of resistance and hope” (p. 4). As such, these narratives are my way of claiming spaces in this work, and in the academia within which this work is being produced.

Chapter Outline

This research is comprised of four chapters. In Chapter I, titled, “Contesting the ideological borders: Unmapping Canadian Nation Building,” I examine the colonial project of making Canada a white nation. Employing concepts of race, space and the law, I discuss the racialized, classed and gendered spatialization of colonial Canada. Within this discussion, I pay particular attention to the national myths upon which the white nation has been founded by Europeans. These historical processes of nation-building provide an important framework for arguing Orientalist representations of Muslims are rampant within Canada today. Finally, I outline the theories of Orientalism in the latter part of this chapter.

Chapter II provides the methodological framework guiding this study. Building upon the theories of Orientalism presented in Chapter I, I theorize how dominant texts and talk of the nation organize “relations of ruling” (Smith, 1999). In this vein, I employ Foucault’s theory of “power/knowledge” (1980) nexus in order to examine how these dominant discourses become part of the strictly surveilled “regime of truth” (Foucault, 1980) of the nation. Having outlined the contingent nature of truth, I argue that the position of the speaker, as the “authorized spokesperson” (Bourdieu, 1991) is extremely significant for that discourse to be given any legitimacy within the state. As such, I discuss the notion of language as

“symbolic violence” (Bourdieu, 1991) in order to counter the ostensible objectiveness of the state’s “juridical discourses” (Smith, 1999) such as that represented by the *ATA*. I then locate my body within this research, in order to recognize my own power of knowledge production and to signal that no knowledge is neutral or disinterested.

In Chapters III and IV, I analyze the *ATA* using the theoretical and methodological framework outlined in the previous two chapters. Chapter III, titled, “The *Anti-terrorism Act* and National Security: Safeguarding the Nation against ‘Uncivilized’ Muslims” examines the ideological purpose underpinning the release and legitimization of the Act in an allegedly ‘benevolent’ nation such as Canada. I note the liberal discourse of national security versus civil liberties debates framing the *ATA* and demonstrate how futile these discourses are for the racialized Muslim Others in terms of their legal status within the nation. In this chapter, I also examine how the colonial rhetoric of ‘saving Muslim women from Muslim men’ has been deployed by the state as an important means of reifying the image of the male Muslims as inherently barbaric and violent. Chapter IV, titled “The *Anti-terrorism Act* and Nation-Building: An anti-Orientalist discourse analysis of the Act,” consists of the analysis of the actual text of the Act. While many scholars have critiqued various provisions of the Act, such as its broad definition of the “terrorist activity,” I argue that within the imagination of the state, the ‘enemy,’ of the nation and hence, the target of the Act was very explicit, and as such, the provisions have been designed very carefully.

I conclude this study by reflecting on the production of this work from my own physical and ideological location within the Eurocentric academy. I reflect on the conducting of this study within the space of the academia in order to make visible the “regimes of truth” operating within the exalted spaces of the nation.

CHAPTER ONE: CONTESTING THE IDEOLOGICAL BORDERS:

UNMAPPING CANADIAN NATION BUILDING

Founding Myths of White Canada

The Canadian nation has been imagined in specific ways by bourgeois white male society. As Bannerji (2000) argues, Canada is “a construction, a set of representations, embodying certain types of political and cultural communities and their operations” (p. 64). Therefore, a nation is not only a geopolitical and geographic space, but also a social and historical construct to which only certain bodies belong, and can “participate in the *idea* of the nation as represented in its national culture” (Hall, 1996, p. 612, emphasis mine). As Bannerji (2000) continues, “Living in a nation does not, by definition, provide one with the prerogative to ‘imagine’ it” (p. 66). The privilege of imagining the nation is not available to those living in the Othered spaces, away from the “imaginary community” (Anderson, 1983) of the nation. The fictional construct of nation as homogenous naturalizes the hegemony of one collectivity and its access to the ideological apparatuses of both state and civil society through conscription of certain ‘official’ discourses within the nation-state. However, the inhabitants of the Othered spaces are not always only people of color. While the nation is often portrayed as homogeneous, as ‘one people,’ the category of the Other on the peripheries is heterogeneous. This Otherness is a product of interlocking systems of oppression based on race, gender, sexuality, ability, age and religion.

Each nation is founded on a set of certain narratives or mythologies, glorifying the magnanimity of those belonging to its ideological borders. These national narratives are

socially and historically constructed rather than being a consequence of any *natural* or even real course of events. The vocabulary of myths is part of the “imagined community” (Anderson, 1983) and is based on those national stories which give its members spaces for imagining themselves as part of a homogenous community, while simultaneously foreclosing the borders of the nation to the racial Others²⁰. One such myth of white Canada has been that of European ‘discovery’ of the land – the legal doctrines of ‘*terra nullius*’ or empty and uninhabited land pre-‘settlement’ of the white race and ‘*terra cognita*’ – whereby European sovereigns could claim access to lands that were ‘empty’. As Razack (2002) observes, the “imaginary community” of the Canadian nation cannot be separated from the realm of hegemonic stories of white supremacy:

In this compressed narrative [of European colonization of Aboriginals in Canada] white people become the original inhabitants since it is only they who are cast as capable of making the country what it is. They bring order and civilization where previously there was none, a logic that survives intact in the responses of Canadian courts to Aboriginal land claims. A story of origins thus told depends on the erasure of non-white inhabitants and on their inferiority. Either the land was empty or it was filled by those too lacking in enterprise to develop it. (p. 204)

These foundational myths of the white man’s hard labor to develop the land and Aboriginal communities’ barbarity and child-like demeanor prior to contact with the white race are told and retold as part of defining white bodies as the ‘legitimate’ citizens within the nation-state. Consequently, it is white bodies who imagine themselves as belonging to the nation, and possessing its spaces. In this powerful account of deliberate amnesia, the Aboriginal peoples as the rightful owners of the land and the immigrants of color whose labor helped develop the

²⁰ As mentioned earlier, in highlighting race as the primary criteria for inclusion/exclusion in the nation’s “imaginary community” (Anderson, 1983), I do not intend to assert that other social constructs of gender, sexuality, ability etc have not played a role in who has been included/excluded in the nation’s ideological borders.

land are erased from these national narratives. The mythology of the land being empty and undeveloped before 'settlement' of whites also allows the white race to see itself as 'civilizing' the colonized population. This national myth is very powerful for it allows the settler-colony to erase the violent colonization of Aboriginal peoples, and instead imagine itself as a white, civilized and benevolent nation. As Razack (2004) very powerfully argues, "[These mythologies] have the power to make a nation replace tortured and dead bodies with traumatized soldiers. Mythologies help the nation to forget its bloody past and present" (p. 9). Moreover, putting white people as dominant and people of color as the Other in the discursive construction of the nation has made whiteness invisible, stable, and undifferentiated.

My fear is my legacy. my past is not merely Nostalgia. It stands in a live relationship with my present. My body is not past. Hers is, but I am still here. And future? Is the white Immigration Officer going to be the Master of my daughter as well? She who will be a citizen will always be an immigrant? Will she ever become "Canadian" or remain as a ghost daughter of a ghost immigrant mother? I have several answers but I am afraid to ask these questions out loud. I shall let only time reveal these stories. Though the herstories have already answered all the questions about the future. My tired body fighting the violence of patriarchy and colonization is 'dangerous'. Do my truths challenge the His-Story? I am Dependent. Now I am humiliated. Now I pose a threat to the nation. I have traveled and carry several "burdens" such as my skin, my smells, my accent, my bitterness, my... I still have a 'my'?! Like millions of people, displaced, willingly or by force; I carry my stories under this 'my'. My migration has been literal as well as metaphorical. The borders have been physical as well as imaginary. I cross these borders everyday. At least I try to cross them everyday. I want to see what the other side looks like. The whiteness of Canada had permeated my body before I migrated here,

perhaps before I even became aware of my own consciousness. My dead grandmother's tales and mother's forgotten stories tell tales that I no longer understand. Being in the academia, living under the constant gaze of the 'postmodern' and the 'poststructural' and the 'postbody,' I cannot homogenize dark bodies. Now I sit and analyze what the post body looks like. Actually I am a 'post-body'. I have to carve out different stories. Which story do I tell first and in whose language?

A nation, of course, is not only an imagined space. As Ahmed (2000) contends, "An entity can be imagined and real at the same time" (p. 98). In the next section of this chapter, I examine how the "juridical discourses" (Smith, 1999), as embodiment of dominant discourses of the elites of the nation, have been deployed as a tool in the process of nation-building²¹. Unmapping the role played by Canadian law in creating and sustaining the abjected versus legitimate spaces of the "imaginary community" of the nation will ultimately aid in conceptualizing the role of the *ATA* in contemporary racialized and Islamophobic²² Canadian nation-building. I borrow the term "unmapping" from Razack (2002) who argues that "unmapping is intended to undermine the idea of white settler innocence (the notion that European settlers merely settled and developed the land) and to uncover the ideologies and practices of conquest and domination" (p. 5). This unmapping will also help situate the *ATA* on a continuum of other draconian legislations spanning Canadian history, rather than treating it as an aberrant or unique piece of legislation in contemporary Canada.

²¹ I understand nation-building as a heterogeneous process that is simultaneously raced, class, sexist, heterosexist and ableist.

²² Islamophobia is the fear of Islam that is pervasive in many Western nations today. See Mamdani (2004) for a discussion of this argument.

Race, space and the law

My suspicious body! A body burden here. A body that's AWKWARD here: Within a week of our arrival in Regina, Saskatchewan we received several copies of 'A newcomers Introduction to Canada'²³. On the surface this does not seem to be an act of racism. Yet, one had to look inside the colorful pages of the guide to understand how our bodies were already constructed as being deviant from the official 'Canadian norms'. The guide outlined several of these norms for us. Us illiterates from the 'dark place'. Us 'lucky' ones who got 'rescued'! The guide was divided into various sections such as 'Canadian family life and law', 'Canadian marriage and divorce', along with an explicit outline of 'Canadian social standards', which were spelled out under the warning: "Some traditions are well established and are politely but firmly enforced"²⁴. Examples of those firmly entrenched "traditions" were about how to behave in specific spaces. These included instructions on standing in a queue, being on time for appointments, not engaging in bargaining in stores, respecting the environment etc. Along with these guides, was a "tip" which encouraged us to talk to any local immigrant serving organization or to any "Canadian" family if we were not clear about any of the guidelines.

A 'civilized' white settler colony always has spaces where the presence of the racialized Other is seen as threatening the colonial social order. To relegate the Other to dark places outside the city and the nation, and to police their bodies seems to be a necessary measure for re/legitimizing the nation as white. However, the spaces of 'degeneracy' and 'immorality', away from the "imaginary community" (Anderson, 1983) of the nation, have to exist in order for the spaces of respectability and civilization to exist within a settler-colony.

²³ See *A Newcomer's Introduction to Canada*, online: <http://www.cic.gc.ca/english/newcomer/guide/section-08.html> (date accessed November 21, 2005).

²⁴ Ibid.

As Burman (2007) argues, “internal ‘Others,’ who become hypervisible when accused of transgressions, are usefully mobilized in political and media discourses as foreign elements, so as to subtly outline the ideal citizen of a particular geopolitical moment” (p. 179). This racialization of space argues the significance of a sense of belonging to particular spaces. The liminal spaces within the nation are, thus, not only metaphorical but concrete ‘spaces of removal’ occupied by the “*les damnés de la terre*/the wretched of the earth: the geographies of the homeless, the jobless, the incarcerated, the invisible labourers, the underdeveloped, the criminalized, the refugee, the kicked about, the impoverished, the abandoned, the unescaped” (McKittrick & Woods, 2007, p. 2).

The role of law in the production of these ‘geographies of the wretched of Canada’ has been central. In her examination of some key pieces of legislations spanning Canadian history, Backhouse (1999) states:

Racism is not primarily manifest in isolated, idiosyncratic, and haphazard acts by individual actors, who from time to time, consciously intended to assert racial hierarchy over others. The roots of racialization run far deeper than individualized, intentional activities. Racism resonates through institutions, intellectual theory, popular culture, and law...Racialized communities were denied the right to maintain their own identities, cultures, and spiritual beliefs. (p.15)

Throughout Canadian history, the state has used law as an instrument for explaining away racial differences, for reinforcing ‘commonsense’ notions embedded in a dominant colonial cultural system, and for establishing new social constructions of Othered spaces. (Backhouse, 1999, Razack, 2001; Thobani, 2003; Walker, 1997). As Said (2000) notes, “Mythic language is discourse, that is, it cannot be anything but systematic; one does not really make discourse at will, nor statements in it, without first belonging –in some cases unconsciously, but at any

rate involuntarily – to the ideology and the institutions that guarantee its existence” (p. 100).

Therefore, “juridical discourses” of the nation often embody the meaning systems produced by the mythologies of the nation.

Creating white spaces

The ‘modern’ history of Aboriginal Canada is an inherently spatialized story. It begins with histories of violent colonization of their lands and bodies. The diseases, rapes, beatings, and the near extermination of Aboriginals have historically paraded parallel to the making of Canada as a European settler colony. Here, I am not asserting that the Aboriginal people have not survived this violent colonization. But their struggles and agency resisting the colonizer, as well as their mere survival, do not necessarily imply that genocide of Aboriginal bodies is not part of the dark reality of this white nation. Moreover, as Razack (2002) argues, today “Aboriginal peoples are assumed to be mostly dead or assimilated” (p.2).²⁵

Colonization has been as much about restricting access to land and resource rights as about securing white privilege. Mawani (2005) astutely argues that the link between land, law and identity was crucial for the colonial appropriations of stolen land. The *Indian Act*, as part of the racialized “juridical discourse” of Canada has played a major role in colonial violence of curtailing the mobility of Aboriginal bodies within the white nation. For instance, under this Act, the Aboriginals needed to have ‘official’ documents before they could leave

²⁵ One of the examples of this is the extreme containment of Aboriginal cultures. Under the *Indian Act*, in 1884 Potlatch and Tamanawas dances native to the west coast were outlawed. By 1895, all Indian dances and celebrations were outlawed, and this particular provision of the *Indian Act* remained active until 1951. Of course, these dances were not exhibitions, but done within the private Aboriginal communities as part of their traditions and religions. See Backhouse (1999) for a further discussion on this.

the reserves²⁶. In her investigation of two land claims by Aboriginal groups between 1923 and 1925 related to what is now Stanley Park in British Columbia, Mawani (2005) makes the case that the British stole the land from Aboriginals by arguing that the presence of the latter in this area was 'temporary' despite the fact that they were settled in that land since times unknown. Such "discourses of temporality," writes Mawani (2005), "then became significant, enabling the Imperial government to 'discover' the territory as 'empty' and holding promise for colonial security" (p. 324) through 'settlement' and 'civilization'. Moreover, by 1869 the definition of who 'legitimately' constitutes an 'Indian' under the law became so narrow that many 'half-breeds,' a new racial-legal category created under the *Indian Act*, lost their entitlement to land, which then became populated by the Europeans. As Mawani (2002) notes, "Many [colonial authorities] argued that mixed-race people undermined the federal and provincial initiatives to control land, civilize Natives, and build a respectable white settler society" (p. 51). As such, federal and provincial restriction of liquor licenses to half-breeds was about colonial government's regulation of half-breeds from easily moving into Native and white spaces.²⁷

Other spaces of degeneracy to which the 'wretched of the earth in Canada' were confined included residential schools. The first of these schools opened in Canada in the 1840s and the last one did not close down until the latter part of the twentieth century. The Canadian government justified this extreme act of brutality of stealing Aboriginal children away from the parents, cultures and religions as a benevolent "civilizing mission" necessary for 'saving souls of the savages'. However, as Barman (2003) argues for British Columbia, for instance, many native children had already joined regular public schools but this number

²⁶ See Harris (2002) for details.

²⁷ See Mawani (2002) for a detailed discussion on how the federal and provincial governments regulated who could drink when, with whom and in what spaces.

began to decline when First Nations people were made 'wards' of the state. Growing numbers of white settlers in BC meant that Aboriginal children were no longer tolerated in these public schools. The federal policy of the state strongly discouraged Aboriginal children from attending these schools. By 1900 while there were only 675 Aboriginal children in residential schools and by 1940 this number had grown to 2035 (cited in Barman, 2003).

Residential schools played a significant role in the process of 'disciplining' native bodies, while constructing the Indigenous knowledges as superstitious and backwards. As Jones and Jenkins (2000) state in the case of colonized New Zealand, "a far more significant complexity is one which is at the heart of colonization – the unsettling of indigenous meaning" (p.39). Teaching languages of the colonizer to the natives was also an integral part of the European 'civilizing missions' (Willinsky, 1998). As less and less Aboriginal children become exposed to their own languages, the colonial discourses of the superiority of white race, from which the histories and realities of the Aboriginals were violently erased continued producing the bodies of Aboriginals as unfit for claiming access to the spaces of 'civilized' colonial masters.

Other spaces of degeneracy

Race does not operate on its own in determining who has claim to spaces of the "imaginary community" (Anderson, 1983) of the nation. Gender has been an equally important factor in demarking the boundaries of the nation. Ng (1993) stresses the significance of intersectionalities between these two processes of constructing a white nation. As such, the bodies of Aboriginal and white women have been historically deployed in different ways in nation-building. Through racialized and gendered policies of exclusion such

as the *Indian Act*, the Empire targeted Aboriginal women as the quickest way to reduce the Aboriginal populations. This Act fostered patriarchy in Aboriginal communities by enabling cooperation between the male Aboriginal leadership and the Canadian governments and resisted the inclusion of Aboriginal women in Aboriginal governance (McIvor, 2004). Under the *Indian Act*, Aboriginal women who married non-Aboriginal men were stripped of their 'Indian' status and removed from the reserves. The deprivation of Aboriginal women's political status resulted in their social and economic marginalization. Today, forty-three percent of Aboriginal women in Canada live in extreme poverty and fifty-two percent of sex-trade workers in Vancouver's Downtown East Side are Aboriginal women²⁸ (Farley, 2005).

s/S he had to perhaps lose her soul. Stand in front of the crowd's gaze. Let them call her a whore. What's in a name after all? In return s/She was getting the space for h/Her feet. So s/She had to be quiet. h/Her rape did not matter any more. h/Her blood was already pus for them. Pus that was polluting the white nation. s/She had to look beyond her blood. She had to be Rational. Talk in a language that would make Sense. s/She couldn't come up with words and H/her screams and tears just affirmed H/her as mad. S/She was M/Mad. An emotional woe-man just not worth the human dignity.

While many Aboriginal women became positioned as the abjected bodies that had to be relegated to the dark physical and ideological boundaries of the nation, white women were construed as "mothers of the nation" and as such, had particular roles carved out for them by white masculine state policies. Ng (1993) describes how upper class women worked hard to organize immigration of working class white girls from Britain in order to define the Christian and white culture of the early Canadian nation. By the 1920s, however, as sexuality

²⁸ This is a significantly high number, especially since, as Farley (2005) notes, only 1.7-7 percent of the women in Vancouver belong to the Aboriginal communities.

became legislated in law, white women were pushed more and more to the private domestic sphere. In a similar vein Gleason (1998) discusses how the discourse of 'proper' gender roles post World War II became psychologised whereby "dominant fathers and sons and submissive mothers and daughters" became not only ideal, but also 'normal' (p. 40). As the 'experts' in the shape and form of psychologists and policy makers emerged on the national scene, the sexualized argument that fathers played a more vital role in the upbringing of children than mothers, especially in the area of transmission of 'proper sex roles' became the 'norm' of white patriarchal Canada (p. 44).

Within this discourse, as the heterosexual white man became the sovereign father of the nation, homosexuality simultaneously became pathologized as a mental illness. In fact, as Kinsman (2000) states in the context of Cold War Canada, a particular social construction of gay men and lesbians emerged as "threatening" and "dangerous" (p. 143). In dominant discourses of the government and the media, homosexuality became intertwined with fear of the Soviet agents, and it was argued that the Communists would effortlessly blackmail homosexuals into working against the Canadian government.

This construction of Canada as a white regenerative space was also an inherently ableist one in nature, of which eugenics is another grim reality. In 1933 British Columbia joined Alberta in legalizing the sterilization of the 'mentally ill' and/or 'retarded' (McLaren, 1990). These so-called "mentally ill" people were incarcerated in spaces in the outskirts of the city, away from the 'respectable' space of the city. In fact, white women were often equally complicit in these discourses of racialized ableism. McLaren (1990) cites *Western Women's Weekly* as reporting that fifty-one percent of the 'feeble-minded' were new immigrants. Moreover, these women also suggested that certificates of 'normality' should be

issued before marriage so that 'defective' girls would not get married. Using tropes of scientific racism and Christian morality, many individuals were labeled as 'disabled' and pushed to the dark spaces of mental asylums, outside the ideological, and often even physical borders of the nation. Of course, white women's participation in these racialized and ableist colonial violences does not suggest that they were treated as equals by white men. For instance, Strong-Boag (2002) describes how the 1885 Franchise Act excluded white women, along with other people of color from voting rights.

In dominant discourses of the nation, immigrants often became the objects of the nation's moral and economic anxieties. By the early 19th century, there were many pieces of legislation restricting economic activity on racial grounds, built on an underlying principle that certain races could only perform certain tasks. Walker (1997) discusses how Asian Canadians were barred from employment on public work and in underground mines, and even from cutting timber on the Crown's property (p. 26). In the 1920s, the federal government restricted access to fishing licenses to Japanese Canadians with the intent of driving them out of the fishing industry. While these measures were about keeping the immigrant Other in his or her place, miscegenation laws introduced the extra precaution against tainting the nation's whiteness. For instance, in 1912 the Saskatchewan legislature passed an act to prevent "Chinamen" from hiring white women as a means of curtailing the interaction of white females with men of color.²⁹ The spaces of the nation had to be kept 'pure' and white women as "mothers of the nation", and hence as procreators of its whiteness, could not be 'tainted' by bearing children of color, who then would have had access to the white spaces of the colonizers.

²⁹ See Walker (1997) and Backhouse (1999) for more such discussions.

The making of Canada as a white nation has thus simultaneously been a gendered, heterosexist, classed and ableist project. The space of the nation is not an innocent space (Razack, 2002). The predominantly white space has been socially and historically produced through law, and this production is a result of various social hierarchies, most notably that of race. The physical and symbolic violence inflicted upon the colonized Others in the form of colonizing and 'civilizing' imperatives of the missionaries, slavery, lynching, miscegenation laws, reservation systems, and residential schools, to name a few violent practices, institutionalized a racial hierarchy that favored members of the white race. In fact, this whiteness eventually became normalized so that the whites were no longer encumbered by race, and as such, were able to move freely within the nation. Simultaneously Aboriginals and other bodies of color have been constructed as barbaric and threatening, and their mobility had to be policed and often constrained through various legislations. This surveillance has created the 'normal' bodies which need to be kept away from the liminal zones outside the respectable spaces of the nation. As such, these spaces produce 'abnormal' bodies.

In this colonial social ordering, middle-class, heterosexual and able-bodied European women, as "mothers of the nation" lived in spaces of respectability with its borders surveilled by white men, whereas Aboriginal and other women of color have been pushed to the liminal and primitive spaces of the nation. The racialized, gendered, class-based and ableist project of nation-building makes the boundaries of the nation so rigid that very few 'Canadians' can claim themselves to be legitimate occupiers of the nation, while simultaneously othering and delegitimizing the presence of Others within the state.

This racialized ordering of nation's space is ongoing.³⁰ The space purifying rituals of the "starlight tours" are a stark and brutal reality for Aboriginals in contemporary Canada. In recent years several Aboriginal men have been discovered frozen to death in the cold, undeveloped and dark outskirts of the cities in Saskatchewan. In 1990 the brutally beaten and frozen to death body of Neil Stonechild was found outside Saskatoon (Henry & Tator, 2006). The Royal Canadian Mounted Police (RCMP) have arrested many Aboriginal men over the years and 'dropped' them off at the city's edge in Saskatchewan's winters.³¹ Moreover, the brutal murder of Pamela George, an Aboriginal woman in Saskatchewan, by two middle-class white men in the outskirts of the city in 1995 remains unacknowledged in law (Razack, 2002). As an Aboriginal woman, a mother, a sister, a daughter, and an occasional sex-trade worker, "George was considered to belong to a space of prostitution and Aboriginality, in which violence routinely occurs, while her killers were [as college boys] presumed to be far removed from this zone" (p. 125). The heterosexual, middle-class white boys were chided for doing "darn, stupid things". As such, the racialized and sexualized colonial violence of rape disappeared from the court's hearings. When the white man transgresses into the degenerate zone of the wretched of the earth, or vice versa, colonial violence is usually justified by blaming the racial Other. George was a prostitute, and thus, the argument goes, she had an idea about what she was getting into by servicing these men. The national mythologies embodied by the "juridical discourses" performed nation-building by keeping the white and Aboriginal spaces clearly demarcated here.

While Aboriginal people and immigrants continue to be marginalized in Canada, post 9-11, the fear of Muslim men as terrorists has captured the national imaginary of Canadians

³⁰ See Chapter III for how Muslim bodies have been positioned within the spaces of the nation today.

³¹ An Aboriginal man, Darrel Night, came forward in 2000 with his story of the starlight-tour, and his fortunate escape.

as the most potent 'threat' facing the well-being of the nation. As such, I argue that the *Anti-terrorism Act*, as a "juridical discourse" of the Act has relegated Muslims to the liminal spaces of the nation, which in turn has delegitimized their legal status in Canada. In the next section of this chapter, I examine how Orientalist discourses perform nation-building today.

Orientalism and Canadian Nation-Building

Still the recognizable body: the strange body of mine was not walking along the etched lines. The deviant body not caught by the Man. The empty cages awaited it. So many gods in the crowd walked with a cage and pointed towards me. I stood there, trying to think up ways of telling Them that I am human. But They made me sit squatting. Then, in a language They thought I could not understand, They talked about how to train me to sit like Them.

While the mythologies of *terra nullius* and *terra cognita* continue to be mobilized in the dominant discourses and practices of the state through law, education, media, arts, music, and other culturally productive domains, there is, as Razack (2002) notes, an equally spatialized national story present in the current moment:

The land, once empty and later populated by hardy settlers, is now besieged and crowded by Third World refugees and migrants who are drawn to Canada by the legendary niceness of European Canadians, their well-known commitment to democracy, and the bounty of their land. The "crowds" at the border threaten the calm, ordered spaces of the original inhabitants. (p. 4)

This spatialized narrative of racialized Others storming the borders has been embodied by many anti-immigration and anti-refugee policies and have thus led to an increased

surveillance bodies of color within and on the borders of the nation. These colonial and imperialist narratives of white supremacy and fear of bodies of color have constantly been supported by the discursive regime of Orientalist construction of male and female Muslims bodies of color in post 9-11 Canadian nation-building (Jiwani, 2004). In the next section I outline the theories of Orientalism as employed in my analysis of the context of announcements regarding the release of the Act and the actual language of the *ATA* in Chapters III and IV.

Defining Orientalism

I employ the theoretical framework of Orientalism as defined by Edward Said (1978) in his classic work, *Orientalism*. One of the ways in which Said describes the notion of Orientalism is as a discourse.³² He “points out the extent to which ‘knowledge’ about ‘the Orient’ as it was produced and circulated in Europe was an ideological accompaniment of colonial ‘power’ (Loomba, 1998, p.4). The foundation of this classic work rests on the belief that knowledge about the colonies could not operate outside power. As such, Said uses the notion of Orientalism as a discourse to re-order the study of colonialism by arguing that discourse can never be ‘pure’ or ideologically innocent. Certain practices, or “discursive formation”, make it difficult for individuals to think outside them. Said (1978) states:

Most important, such texts can create not only knowledge but also the very reality they appear to describe. In time such knowledge and reality produces a tradition, or what Michel Foucault calls a discourse, whose material presence or weight, not the originality of a given author, is really responsible for the texts produced out of it. (p. 94)

³² See Chapter II for a detailed discussion on how I employ the concept of discourse in my investigation

Said's central concern in *Orientalism* is with the way in which cultural production within the West has effected an ontological and epistemological binary distinction, separating the occident (West) and the orient (East), the latter contrived as sometimes romantic and exciting, sometimes dangerous, usually backward and barbaric. The Orient was not so much a physical space as the idea of everything exotic and Other, and as such, these Orientalist representations are not 'natural' depictions of the Orient, but rather constitute a relationship of power, embodied by the hegemony of the occident. For Said (1978) then, the Orient is: "less a place than a topos, a set of references, a congeries of characteristics, that seem to have its origin in a quotation, or a fragment of a text, or a citation from someone's work on the Orient, or some bit of previous imagining, or an amalgam of all these" (p. 177).

Orientalism, therefore, is the Western discourse of an imaginary place called the Orient which was located, or rather constructed in narratives, in European colonies in North Africa, Middle East and Asia. The discursive regime of Orientalism is supported by "institutions, vocabulary, scholarship, imagery, doctrines, even colonial bureaucracies and colonial styles" (p.2). As Loomba (1998) argues, "This opposition is crucial to European self-conception: if colonised people are irrational, Europeans are rational; if the former are barbaric, sensual and lazy, Europe is civilization itself, with its sexual appetite under control and its dominant ethic that of hard work" (p. 47).

Oriental Other and the Nation's Benevolence

The construction of the Orient as being everything that the 'civilized' white man of the West is not is an important theoretical tool in my study for it allows me to investigate how the Orientalist imagining of Muslim bodies never allows them to be seen as a legitimate

part of the predominantly white Canadian nation. The imaginary geographic divide between the orient and the occident constructs Muslims strangers with whom the Canadians-as-members-of-nation have to live, which simultaneously produces a form of national identity for the latter. As Ahmed (2000) notes:

The nation becomes imagined and embodied as a space, not simply by being defined against other spaces, but by being defined as close to some others (friends), and further away from other others (strangers). In this sense, only strangers within the nation space -that is, the proximity of that which cannot be assimilated into a national body -is a mechanism for the demarcation of the national body, a way of defining borders within it, rather than just between it and an imagined and exterior other. (p. 100)

Muslims, like Aboriginals and other people of color, might share nationality with the white Canadians, but they do not share the national mythologies of European discovery of land.³³ They cannot claim the space of the nation as their own, but rather are forced to remain grateful to the white gatekeepers for allowing them the privilege of setting foot within the physical borders of the nation.

This discourse of the white man's greatness in surviving next to the stranger Other is an inherent logic underpinning Said's theories of Orientalism. The imaginary divide between white and colored bodies remains static in the imagination of the former, despite sharing the larger physical space of the nation. It also allows Canadians to see themselves as benevolent. This benevolence became part of Canadian legislation in 1971 through Canada's official policy of multiculturalism by the then Prime Minister, Pierre Trudeau. There were four aims

³³ In saying so, I am definitely not asserting that struggles of Muslims or any other group of immigrants within Canada have been same as that of Aboriginals. The violences visited on bodies of Aboriginals have been different, along with their ongoing struggles against colonization and for title to their lands. Immigrants of color share no such prior relationship to this land, and therefore their struggles in this country have a different socio-historical specificity. However, for the purpose of this argument of othering of bodies of color, it is helpful to place the Orientalist construction of Muslim bodies on a continuum of racialized imagery of Aboriginal peoples in Canada.

of this policy: to support the cultural development of ethnocultural groups; to support ethnocultural groups in fully participating in Canadian society; to promote creative encounters and interchange among all ethnocultural groups; to assist new Canadians in acquiring at least one of Canada's official languages.³⁴

The notion of "creative encounters" and "assisting new Canadians" operate to give legitimacy to the white Canadian who allows these encounters to occur in the first place. In fact, as Ahmed (2000) astutely argues: "Multiculturalism is defined, not as providing services for 'specific ethnic groups', but as a way of imagining the nation itself, a way of 'living' in the nation, and a way of *living with* difference" (p. 95, emphasis in the original). This living with difference not only allows the "imaginary community" (Anderson, 1983) of the nation to demarcate its space from the liminal spaces within which the strangers are trying to survive, but it also enables the nation to present itself as benevolent and as a champion of human rights in front of the rest of the world. As Razack (2004) rightly notes, "A Canadian today knows herself or himself as someone who comes from the nicest place on earth, as someone from a peacekeeping nation, and as a modest self-deprecating individual who is able to gently teach the Third World Others about civility" (p.9).

Race as Culture of the Oriental Other

Within the 'civilized' nations of the West such as Canada, the barbarity of the Other is not blamed on his/her race anymore. The colonial civilizing of the Oriental Other within borders of the nation is now constituted by the discourse of "culturalisation of race," in which the 'problems' previously perceived to be the result of race, are now blamed on the culture of

³⁴ Trudeau in *House of Commons Debate*, 8 October 1971: 8545-6.

the Other (Razack, 1998, 2000, Thobani, 2001, 2003, Jiwani, 2006). As Razack (1998) argues:

In its modern form, overt racism, which rests on the notion of biologically based inferiority, coexists with a more covert practice of domination encoded in the assumption of cultural or acquired inferiority. This 'culturalisation of racism' whereby Black inferiority is attributed to 'cultural deficiency, social inadequacy, and technological underdevelopment,' thrives in a social climate that is officially pluralist... What is really denied is that 'whites regularly idealize and favour themselves as a group. Thus there can sometimes be a more or less general rejection of overt racism and, at the same time, an increasing reluctance to see race as a fundamental determinant of white privilege and Black poverty. (pp. 60-61)

'Culturalisation' of racism repackages the culture of the Other into a social problem, and oppressive measures by the state and its institutions are often portrayed as measures *necessary* for disciplining the barbaric and irrational Others. Race still resides in those Other bodies while the "imaginary community" (Anderson, 1983) of the nation portrays itself as 'raceless'.

The recognition of the Oriental Other as the stranger Other within the physical borders of the 'multicultural' nation aids in "organizing the state apparatus, its regulations and policy functions, and in enabling the ideological organization of 'relations of ruling'" (Bannerji, 2000, p. 64). Dominant discourses of the state, in the form of "juridical discourses" (Smith, 1999) continue to be devoid of histories of colonial crimes, and as such certain bodies and subjects in specific spaces continue to be undeserving of justice and even of humanity. Orientalist legislations such as the *ATA* have pushed Muslims, both men and women, to those spaces from which it has become difficult to claim their status as fully human. In Chapter III I apply the theories expounded in this Chapter in highlighting the affect of the *ATA* on their bodies. In the next Chapter, I outline the methodological

framework of the anti-Orientalist discourse analysis employed in this study. I also consider my own location as implicated in this investigation.

CHAPTER TWO: RESEARCH METHODOLOGY

Anti-Orientalist Discourse Analysis

In this chapter, I delineate the methodological framework guiding this study. Utilizing theories of Orientalism, as outlined in the previous chapter, I uncover and critically examine the unquestioned assumptions and norms rooted in the *Anti-terrorism Act*. Smith (1990) states that "The investigation of texts as constituents of social relations offers access to the ontological ground of institutional processes which organize, govern, and regulate the kind of society in which we live, for these are to significant degree forms of social action mediated by texts" (p. 121). In this sense, I am not overly interested in the linguistics of the text; rather, my anti-Orientalist discourse analysis investigates how dominance and social power abuse are enacted by the *ATA* as text and talk. My study is largely invested in examining the role of the *ATA* as an active constituent of organizational processes framing contemporary nation-building agenda.

I investigate a number of the most controversial provisions of the Act such as sections 83.01, 83.28, 83.3 and 83.05. I have chosen these particular provisions because these have been debated most fervently in the liberal language of civil rights of citizens versus security of the state.³⁵ I, however, examine the provisions of the Act for highlighting the ways in which the seemingly 'neutral' text racializes Muslims as the uncivilized Others whose bodies need to be surveilled at all times for the security of the nation. I also deconstruct various provision of the Act in order to argue that they have been carefully designed by the white

³⁵ See Chapter III for a brief review of these debates.

authorities of the nation to ensure that they are not applied to those deemed as legitimate citizens of the white nation.

Reading for Orientalist Power

The Liberal Government has presented the *ATA* to the public as a “positionless account” (Smith, 1999) which has been written in very matter-of-fact, scientific language as a depoliticized “juridical discourse”. The everyday dominant discourses of the state creates numerous “positionless accounts, versions of the world in which subjects are relegated to no place in particular and before which, therefore, all subjects are equal and equally absent” (Smith, 1999. p. 54). However, these dominant discourses have always been central in reifying the colonial authority of Canadian state apparatus. I draw on Ng’s (1988) assertion here that “texts are a central aspect of ruling in advanced capitalism: they provide for and sustain the legality of the state. Indeed, these texts have become the general mode of ruling in advanced capitalist societies” (p. 91). These texts perform an important nation-building role by informing practices of the state and its institutions at all levels. These texts, then, constitute the “relations of ruling”. Smith (1999) defines these “relations of ruling” framework as:

[T]hat internally coordinated complex of administrative, managerial, professional, and discursive organization that regulates, organizes, governs and otherwise controls our societies. It is not yet monolithic, but it is pervasive and persuasively inter-connected. It is a mode of organizing society that is truly new for it is organized in abstraction from local settings, extra-locally, and its textually mediated character is essential (it couldn’t operate without texts, whether written, printed, televised, or computerized)... (p.49)

Smith claims that our knowledge of the world is largely mediated by these texts, which embody the rationale of the power-elites of the society. However, Smith claims that these relations of ruling are not readily visible on the surface of the texts. As organizers of social relations, these texts often suppress the “everyday/everynight” (Smith, 1999) experiences as sites of knowledge, while constructing the knowledges of the white masculine nation as official ‘norms’ of the nation. Smith’s notion of “relations of ruling” allows for examining how colonial relations embodied by “juridical/dominant discourses” of the nation acquire their meanings in the non-discursive, that is, in the *lived realities* of people’s everyday access to spaces of the nation. Moreover, this theorization of the role of texts in organizing the lived realities of people also enables me to examine the organization of colonial relations of ruling in Canadian society from the critical standpoint of a Muslim woman of color. Therefore, my anti-Orientalist discourse analysis of the *ATA* seeks to decentre and de-stabilize the authority of this text by reading for the Orientalist powers underpinning its production and consumption by Canadians-as-members-of-the-nation. In the next section of this chapter, I theorize the critical relationship between knowledge and power.

Power, Knowledge and ‘Truth’ in Discourse

Stuart Hall’s conception of discourse is critical in this study. Discourses, Hall (1997) asserts, are:

ways of referring to or constructing knowledge about a particular topic or practice: a cluster (or formation) of ideas, images, and practices, which provide ways of talking about, forms of knowledge and conduct associated with, a particular topic, social activity or institutional site in society. These *discursive formations*, as they are known, define what is and is not appropriate in our formulation of, and our practices in relation to, a particular subject or site of social activity; what knowledge is considered useful, relevant, and

'true' in that context; and what sorts of persons or 'subjects' embody its characteristics. (p. 6, emphasis in the original)

The fact that only particular kinds of knowledges are considered 'true' and relevant in particular contexts indicates that discourses are not fixed but are the site of constant contestation of meaning. Thus, power and knowledge are inextricably linked in production and mobilization of dominant discourses in our society (Foucault, 1980).

In his seminal work, *Power/Knowledge* (1980), Foucault asserts that "The question of whether discourse is true or false is less important than whether it is effective in practice. When it is effective –organizing and regulating relations of power –it is called a 'regime of truth'" (p. 131). In every society, a certain way of knowing social 'reality' gains enough power to operate as though it were the ultimate 'truth':

Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its 'general politics' of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which one is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true. (Foucault, 1980, p. 131)

In terms of thinking about discourse as having effects, it is crucial to consider the factors of truth, power and knowledge, since it is because of these elements that discourse has effects. Discourse carries social meanings which usually are politicized in the sense that they carry with them concepts of power that often reflect the interests of dominant groups of people in the society. Karim (1993) notes: "Dominant discourse maintains its superiority by being dynamic, continually co-opting and transmuting words, images and symbols of other

discursive modes that threaten its propaganda efforts. In this way it corresponds to the maneuverings of elites by whom it is produced and whose position it reinforces" (p. 197). As such, there is no singular, transcendental 'true' knowledge. Knowledge and truth are then to be understood in relation to the social operation of power (Kendall & Wickham, 1999; Mills, 2003, 2004; Fiske, 2000; Henry & Tator, 2002).

She now murmurs something in her own language, but only in those spells when the amnesia weakens...

This power/knowledge nexus indicates that knowledge cannot exist without power.³⁶ Foucault (1980) argues, "What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse" (p. 119). This discursive notion of power is beyond the binaries of legitimate/illegitimate and/or that of consent/coercive. As Hall (1988) notes, "[p]ower is never merely repressive but, in Foucault's sense, always productive" (p.3). Power works at the level of social practices in the form of interaction which occur between individuals and with their environment; power is practiced. Power operates around and through networks which are generated around the institutions of the state. This dramatic re-conceptualization of power as hidden, productive and penetrating everyday language provides scholars who are writing counter-hegemonic narratives to the nation, with important tools with which the marginalized positions of subjects in society can be deconstructed. Moreover, this analysis of power makes it possible to develop a "model of power relations which is fairly complex and which can deal with

³⁶ In saying so, however, Foucault is not arguing that power and knowledge are the same thing. He was, in fact, interested in analysing their relation.

other variables such as race and class without having to prioritize one of them over the others” (Mills, 2004, p. 70). This conception of power is also critical in understanding the production of certain spaces as being respectable, that is being within the “regime of truth/legitimacy” versus the ‘spaces of removal’ that exist outside the official boundaries of the “imaginary community” of the nation.

The notion of discourse as social, political and historical construct operating in relation to power also reveals that discourses are regulated set of statements. They are not necessarily ‘coherent’ but exist “because of a complex set of practices which try to keep them in circulation and other practices which try to fence them off from others and keep those other statements out of circulation” (Mills, 2003, p. 54). Therefore, reading discourse as constitutive of power means that there are certain “conditions of possibility” (Kendall & Wickham, 1999, p. 37) which allows particular knowledges to mobilize as ‘legitimate’ discourses within any society at particular moments in time. Truth, therefore, are produced within certain “epistemes” only. ‘Episteme’ is “the condition of possibility of discourse in a given period; it is an *a priori* set of rules of formation that allow discourses to function, that allow different objects and different themes to be spoken at one time but not at another” (McNay, 1994, p. 52). As such, there are particular epistemes that delimit the “sayable” (Kendall & Wickham, 1999, p.42).³⁷

In this study, then, discourse analysis of the *ATA* is not concerned with attaining any hidden ‘truth’. Rather, it is about understanding how certain discourses operate as truthful, and what bases of power underpin and benefit from the truth claims of the discourse in question. As Young (1981) notes, “In a Foucauldian perspective, analysis of discourse needs

³⁷ For instance, Kendall and Wickham (1999), drawing upon Foucault’s (1990) *History of Sexuality*, note that since the beginning of the eighteenth century, the rules by which scientific, ‘psychiatric’ statements about sexuality were produced, disallowed statements based on magic and witchcraft to be associated with sexuality.

to move, both in and out of the text. It is necessary to corroborate the findings of textual analyses with reference to certain extra-textual factors (history, materiality, conditions of possibility)..." (p. 23). Therefore, engaging discourse is not only about engaging with language of the text, but also as a "matter of the social, historical and political conditions under which statements come to count as true or false" (p. 22). This conception of discourse analysis is critical in my study for it allows me to place the text of the *ATA* within the discursive regime of Orientalist representations of Muslim bodies in the West.

Symbolic Violence

While Foucault's arguments on "power/knowledge" and "regimes of truth" are significant in understanding how "juridical discourses" (Smith, 1999) of the state are produced as dominant discourses, Bourdieu's conceptualization of "official language" of the state as a source "symbolic violence" (1991, 2000) is also crucial in my anti-Orientalist discourse analysis of the *ATA*.

Bourdieu uses the term "symbolic violence" to denote instances where particular groups are systematically denied the degree of recognition enjoyed by others. Richard Jenkins (1992) explains Bourdieu's conception of symbolic violence as:

the imposition of systems of symbolism and meaning (i.e. culture) upon groups or classes in such a way that they are experienced as legitimate. This legitimacy obscures the power relations which permit that imposition to be successful. Insofar as it is accepted as legitimate, culture adds its own force to those power relations, contributing to their systematic reproduction. (p. 104)

Language as source of "symbolic violence" constructs an 'objective' view of reality, obscuring the racial and colonial powers at work in the many mis/representations of groups

within the nation. This construction of reality is not a linear or static process, but is in fact a process of social reproduction through a particular spatial and temporal framing of the subjects of this violence.

Particularly interesting here is Bourdieu's theorization of "official language" of the state as source of symbolic violence. Arguing that authority comes to language from outside, he writes that "[official language] is the one which, within the territorial limits of that unit, imposes itself as the only legitimate language" (1991, p. 45). This official language, which extends throughout the state, has designated "authorized spokespersons" (p. 109). As Bourdieu writes, "the use of language, the manner as much as the substance of discourse, depends on the social position of the speaker, which governs the access he can have to the language of the institution, that is, to the official, orthodox, and legitimate speech" (p. 109). Language competency is a skill which is unevenly distributed. Only those imbued with symbolic capital have the authority to speak, and keep their discourses in circulation, since "symbolic capital enables forms of domination which imply dependence on those who can be dominated by it, since it only exists through the esteem, recognition, belief, credit, confidence of others, and can only be perpetuated so long as it succeeds in obtaining belief in its existence" (Bourdieu, 2000, p. 166). Institutional memberships endow individuals with symbolic powers, and often it is institutional conditions of production and acceptance of language which is the source of power in language. As such, it becomes a form of symbolic violence, limiting the speech of those who do not possess any symbolic capital.

Researching from the Margins

Hill-Collins (1999) astutely points out that the dominant group does not experience the interlocking systems of oppression the subjugated groups endure. It becomes ritualistic for members from the oppressed group to frame their issues in a language that privileges the understanding of the dominant group. Thus, my truths, unlike the objective 'Truth' of the nation's national mythologies, remain partial, not only because I do not believe in the notion of any disinterested universal Truth 'out there'. For those like me who are unauthorized to speak in the racialized nation-state, language suppresses the multidimensional essences of my experiences from being voiced and being heard.

Visible because my body became a site of rejection. We were nothing but rejected bodies across demarcating boundaries. Our skin was our sin. Before our religious inclination could mark our skin, its brownness had already occupied every site where the "West" could have spit. Our blood was our pus. The pus had made our reality dim. We could not see beyond its shield. They, on the other hand, had never seen us. They recognized us. Seeing was not important for them. Our sight was meaningless.

Writing from the vantage point of "politics of flesh" (Moraga, as cited in Naples, 2003, p. 27) allows for interlocking systems of oppressions to be contextualized within the very materiality of everyday lived experiences of the subjugated individuals and groups. As such, I believe that when occupiers of the margins challenge the centre, they are fighting to reclaim their humanity, in the hope that this will also lead to better survival conditions for them within the state. Reading a piece of legislation like the *ATA* from a woman of color's perspective is revolutionary in many respects: not only does such a process entail reading a

piece of policy written by the privileged “imaginary community” (Anderson, 1983) of the nation ‘against the grain’ (Ng, 1995), but it also involves ‘inserting’ those into the text who have been homogenized, lumped together, (mis)labeled and erased violently out of the discursive realities of the nation’s proud ‘history’. This process is also about “researching back” (Tuhiwai-Smith, 2002, p.7), “writing back” (p.7) and “talking back” (p. 7) and involves a “‘knowingness of the colonizer’ and a recovery of ourselves, and analysis of colonialism, and a struggle for self-determination” (p. 7).

In the paragraphs below, I outline my own position in this discourse analysis as a means of positioning my body in this process of producing an anti-Orientalist critique of the *ATA*. I am aware of the specificity of my location here, and map it out here as a means of asserting that I am certainly not speaking on behalf of all immigrant Muslims of color, or even immigrant Muslim women of color in Canada. I am also critical of my own power (Ramazanoglu & Holland, 2002) in this study in an effort to counter the ‘objectiveness’ of the ‘positionless’ juridical and other dominant discourses of the nation.

My precarious position as a researcher

Writing about what has often been reduced to “the Muslim issue” by few contemporaries³⁸ of mine, I am not sure whether I am an insider in this research or if I occupy the symbolic spaces on the other side of the transparent borders. I belong to the Shi’a Ismaili interpretation of Islam. My community is a minority within the larger Muslim

³⁸ In mentioning the response my research interest has generated within the academic community, I do not wish to offend or insult any of my peers or professors. Nor do I intend to play the victim in writing about this lack of support. I understand that I am privileged in being able to pursue this research. However, I believe that those reading this work need to understand the cynicism, pessimism and passion involved in pursuing this type of study. Politics of emotion have been marginalized for so long in the academia, that I think any pedagogy of anti-racism, which is suspicious of the social norms and challenges them, needs to make the emotions of the author explicit.

community in Canada. Even in my community, where the majority of the people in major cities such as Vancouver and Toronto are from an East African background, I come from a South-East Asian family. Our first languages, food, rituals and traditions are somewhat different. My skin color, common cultural traits such as arts and cinema, along with languages bind me to the larger Indian and Pakistani communities, which includes not only Muslims, but also people of other faiths. Therefore, as a Muslim in the context of the larger Muslim community in Canada (including both Ismailis and Muslims belonging to other interpretations of Islam), I have not been able to locate myself concretely as either an insider or an outsider. As Yuval Davis (1997) states, "Collectivities and 'communities' are ideological and material constructions, whose boundaries, structures and norms are a result of constant processes of struggles and negotiations, or more general social developments" (p. 8). Thus, both the boundaries of a community of allegiance and status in it are negotiated in the "everyday/everynight" (Smith, 1999) realities of the subject, and as such, do not have any untroubled status. With this view of spaces within the community and my own location in it as a woman of color operating within patriarchal structures, I consider my status as a location that needs to be constantly negotiated and re-negotiated (Naples, 2003, p. 48).

My discomfort in seeing myself as an 'Eternal Insider', as the *Knower* of those spaces to which many other immigrant Muslim women and men have been relegated to by the colonial nation, has given me the courage to write counter-narratives that are oppositional to the dominant discourses of the nation. In my refusal to accept the male-dominated hegemonic discourses of a monolithic reading of Muslim community, I have created a unique space from which I can write back to a multiplicity of communal discourses. It also decreases the pressure of acting as a native informant for academia, and society at large. Living with

particular histories and specific goals in shifting spaces vis-à-vis my research subjects, which includes my own body as well, has led me to articulate my resistance in not only my words, but also in the silences and gaps that exist in this study.

"Though I tried I could not really write my story. Each time I tried to write, everything splintered into little bits. I could not figure out a line or theme for myself... I had no clear picture of what unified it all, what our history might mean" (Alexander, 1991, p. 28).

I write my accounts here from the location of an abject Other. I am an unrecognized body from within the crowds of the recognizable subaltern Others in society. Though I recognize my privileges, I still locate myself somewhere within the hierarchies of the margins, away from the "imaginary community" (Anderson, 1983) within which dominant discourses about the nation have always been inscribed on the bodies of the strangers. I also stand, for lack of a better word, with the 'burden' of my histories, my skin, my gender, my accents, my religious inclinations, and the Orientalist imaging of my body by the white nation. It is also painful for me to admit (even to myself) that I need the 'stamp of approval' from the neo-colonial and capitalist industry of the academy in order to gain legitimacy for my presence in these spaces.

My body? Contested. Colored, tattered, ragged, dragged, torn, broken, marked, scratched, backwards, primitive, demonized, strange, foreign, unbearable, detested. Uncontested. My narratives disrupted by the rapists: the man, the colonizer, the capitalist, the racist - my discipliners. My new gods. Multiple immortal gods of my eternal realm. I have lost my languages. The other silences are buried deep within the graves of history, dis/embodied by the superfluous bodies.

Despite my troubled location, both within my own community and within the nation at large, I have approached my anti-Orientalist discourse analysis with certain determination that the knowledges constructed from my location will challenge many dominant narratives embedded in "regimes of truth" of the white nation. The conception of power as relational allows me to examine the role played by the *ATA* in the production of respectable and degenerate spaces within and outside the nation. Using the theories outlined in previous two chapters, I now analyze the context framing the release and consumption of the *ATA*.

CHAPTER III: THE ANTI-TERRORISM ACT AND NATIONAL SECURITY: SAFEGUARDING THE NATION AGAINST 'UNCIVILIZED' MUSLIMS

This chapter examines the Orientalist rationalities underpinning the context of release of the *ATA* in an attempt to argue the nation-building role performed by this Act. The fear of the spaces of the nation being polluted by Muslims of color is, I argue, one of the most significant factors in legitimizing the Act. Of course, given Canada's investment in its self-image as a benevolent nation, the politics of saving Muslim women from Muslim men played a crucial role in the consumption of the Act by the public. In the next section of this chapter, I examine the liberal discourse of the national security versus civil rights of Canadians debate which framed the release of the Act. I interrupt these debates by asking which 'Canadians' are addressed in this debate. I further problematize the liberal language of the debates by untangling the Orientalist tropes of Muslim men as 'uncivilized' and as a 'threat' to the security of the white nation.

National Security versus Civil Liberties

I no longer know what it is that I fight for. What is it that we can fight for? What are the rights of people in the margins? How are these issues framed from the margins? Is it possible to separate the margins from histories of colonizations? From those very gods and the very oppressors of those who inhabit the peripheries?

Immediately after the 9-11 terrorist attacks in the United States, Jean Chrétien established a Cabinet Committee on Public Security and Anti-Terrorism (PSAT) in order to review policies and legislations necessary for securing Canada against such terrorist

attacks.³⁹ The five major goals of this Public Security and Anti-terrorism Unit (PSAT) were defined as: a) Protecting terrorists from entering Canada; b) Protecting Canadians from terrorist attacks; c) Bringing forward tools to identify, prosecute, convict and punish terrorists; d) Keeping the Canada-US border secure and open for trade; and e) Working with the international community to bring terrorists to justice and address the root causes of such hatred.⁴⁰

It was with this agenda that on the afternoon of October 15, 2001, just thirty-four days after the 9-11 terrorist attacks, then-Justice Minister, Anne McLellan, who was also responsible for designing the legislation, introduced 170 page *Bill C-36 –An Act to amend the Criminal Code, the Official Secrets Act (now known as the Security of Information Act), the Canada Evidence Act, the Proceeds of Crime (Money Laundering Act)*. Bill C-36 amended twenty Acts all together, covering a range of criminal, financial and investigative Acts, while providing stronger investigative powers to law enforcement and national security agencies to “identify, disable, dismantle and deter, and successfully prosecute and convict anyone or group associated with terrorism”⁴¹. Two UN Conventions, the *International Convention for the Suppression of the Financing of Terrorism* and the *International Convention for the Suppression of Terrorist Bombings*, as well as the *Safety of United Nations and Associated Personnel Convention* were also ratified under the Bill. On December 18, 2001, in a state of utterly racialized panic about Brown⁴² terrorists in the

³⁹ See The Anti-Terrorism Act: Threat overview (February 7, 2007), online: Department of Justice http://www.justice.gc.ca/en/anti_terr/fact_sheets/threat.html (date accessed February 20, 2007).

⁴⁰ Ibid.

⁴¹ See Highlights of Anti-Terrorism Act (October 15, 2001), online: Department of Justice http://www.justice.gc.ca/en/news/nr/2001/doc_27787.html (date accessed November 12, 2006).

⁴² I have capitalized Black, Brown and Aboriginal in this work, but not ‘white’. Various people of color have chosen to refer to themselves by their ‘color’ in the spirit of resisting the dominant society’s perception of them as ‘deviant’ or belonging ‘somewhere else’. My reason for not capitalizing ‘white’ is based on the logic

nation, and without any substantial public debate, *Bill C-36* received the royal assent and became part of Canadian law as the *Anti-terrorism Act* of Canada.

In popular discourses operating within the Canadian security regime, debates about *Bill C-36/ATA* have largely been framed in the language of security of Canada versus civil liberties of Canadians. An important point of contention in this debate has always been whether the Bill meets the criteria outlined in the *Charter*. While Anne McLellan has repeatedly argued that the *Act* is Charter-proof, Roach (2001) raises questions about the repercussions of having a 'Charter proof' response to terrorism. He notes that "one of the dangers of an unsuccessful *Charter* challenge to *Bill C-36* would be that it would give the legislation a sense of permanency and legitimacy that it might not otherwise have or deserve" (p. 133). Roach further argues that Charter-proofing is now an entrenched part of the legislative process in Canada, but one of its most significant dangers is that governments often become more concerned about avoiding any obvious invalidation of the legislation, rather than writing laws that are more consistent with the wider goals and spirit of the Charter. In a similar vein, Canadian Muslim lawyer, Mia (2002, 2003) further argues that Charter-proofing is only a minimally sufficient approach to rights protection. He asserts that the Charter is limited in how far the legality-policy balance can be tipped in favor of a policy where citizens are concerned, whereas non-citizens have often been pushed outside the realms of the exercise of Charter rights. Some of the specific violations of the Charter which he names include "(i) rights upon arrests or detention; (ii) due process and the right to full

provided by Yae-Tao (1993) who writes that "...the word 'white' will not be capitalized on the grounds that white and whiteness are reference points by which all other colours or racially defined groups are measured, named, described, and understood" (p. 457).

answer and defense; (iii) equality guarantees and (iv) prohibition against cruel and unusual punishment” (2002, p. 133).⁴³

While the government had initially presented Bill C-36 as a tradeoff against rights in order to give primacy to security, it later proclaimed that the Act was a necessary measure for safeguarding the security of humanity, and thus as an enforcement necessary for human rights themselves. Irwin Cotler (2001), a member of the Parliament at the time, urged Canadians to suspend the debate of civil rights versus security and ‘think outside the box,’ as according to him, “The better approach from a conceptual and foundational point of view is to regard the legislation as *human security legislation*, which seeks to protect both national security –or the security of democracy if not democracy itself –and civil liberties (p. 112, emphasis mine). The *ATA* was thus championed as not only the security of Canadians, but of the basic human rights. As such, the concept of ‘national security’ was presented as a natural response to 9-11, instead of a racialized concept based on anxieties of the white nation.

Untangling ‘National Security’

National security is a social construct built on the rhetoric of moral panic generated by fear, threat and risk. The moral panic culture in Western liberal democracies is mobilized to protect those in power. Kinsman et al. (2000) in their brilliant analysis of the phenomenon of national security argue that the concept itself has a vague and mobile character, and changes objects of scrutiny in different historical periods. In this sense, national security becomes an ideological practice of determining who is worth being on ‘our’ side, and who should be kept under surveillance. They further note:

⁴³ Here, Mia is specifically referring to two sunset provisions which expired on March 1st 2007 and were not renewed by the Parliament.

The concept of national security is crucial to the mobilization and survival of security campaigns...In standard formal usage, the concept of national security has at least two aspects: First, it can refer to 'external' security: the military protection of the nation states' borders. As part of this, it can also refer to the secret documents that, to help 'protect' its own borders, a state has access to through security arrangements with other states, and to how it acts to protect these documents. Second, it can refer to 'internal' security: the defence of the nation-state from 'enemies within'. (p. 281)

National security, as a nation-building practice, thus helps make the distinction between the 'normal' and the 'deviant'. While the enemies outside the border threaten the physical security of the nation, the 'deviant' within the borders also poses a danger to the moral character of the nation. Keeping these 'deviants' in their place then is the task of law enforcement and other security apparatuses, and is supported by an elaborate system of surveillance.⁴⁴ Therefore, embedded in national security discourses are procedural conventions, administrative and bureaucratic rules, professional standards, and cultural norms and rituals of the dominant groups of society.

Given the debates about national security versus civil liberties of Canadians, the important question at hand is which 'Canadians' are seen as worthy of protection? I argue that it is first of all the Canadians-as-members-of-the-nation, the 'normal,' and the exalted Canadians belonging to the ideological borders of the nation, to its "imaginary community" (Anderson, 1983). Given the current geopolitical situation, I contend that the label can also

⁴⁴ Various groups of people have come to occupy the place of the "enemy within" the nation in the history of Canada. For instance, Franca Iacovetta (2000) shows how postwar immigrants figured prominently in the Cold War discourse, serving to enhance Cold War panics and surveillance, and allowing Canada opportunities for winning a 'moral' war against the 'deviancies' brought on by the immigrants to Canada. Another example is the perception of gay men and lesbians as national security threat during 1950-1970. See Chapter I of this thesis for a critical examination of how race, gender, sexuality, ableism etc played a role in defining national security 'threats' at different points in the Canadian history.

be extended to include other white Canadians outside this “imaginary community,” along with other people of color who are not Muslims, not Brown and not Black.

Today, the rhetoric of ‘national security’ is about maintaining Canada as a predominantly⁴⁵ white nation space with Judeo-Christian ethos, for national security is not only about keeping the physical borders of the nation safe, but also it’s ideological borders as ‘morally clean’ as possible. As such, national security becomes naturalized as a ‘norm’ which Canadians-as-members-of-the-nation live and consume everyday. Many of these legitimate Canadians have no basis in experience to be critical of the regime of national security. As Kinsman et al. (2000) argue, “These processes of ‘inclusion’ and ‘exclusion’ from human and civil rights become key to the maintenance of the hegemony of the national security regime discourse and practice” (p. 283). Inclusion into the category of those whose lives are worth protecting means that their lives are ‘grievable’ (Butler, 2004). Simultaneously, the bodies of Others, those living in spaces of removal, are deemed ‘security threats,’ and once they are excluded from the regime of civil rights within the nation, their bodies do not even matter as bodies of ‘legitimate’ human beings.

Racial profiling of Muslim Men as Security Threats

Canadian Muslims and those who ‘look’ like Muslims, regardless of their citizenship status, have constantly been called to demonstrate their loyalty to this country many times during the Gulf War and now since post 9-11. Kashmeri (2000) argues that during Canada’s participation in the 1991 Gulf War, CSIS and the RCMP constantly harassed Arab and

⁴⁵ Here, I contend that people of color usually live in the “spaces of removal”. As such, presenting the Act as a protector of not only white, but also other races does not mean that these Others have been accepted within the nation’s “imaginary community”.

Muslim Canadians as if they were all insiders to some secrets of the Iraqi government. The government targeted Arab and Muslim bodies through launching its very racist national emergency plan that was responding to a non-existent terrorism threat in Canada (p. 263). Similarly, today there is little, if any, doubt in the nation's imagination about what a 'terrorist' looks like. It is always a Muslim man, construed as belonging somewhere else, most notably to some Arab country, and carrying the hate of the West in his heart.⁴⁶ As Said (2001) notes:

I don't know a single Arab or Muslim American who does not now feel that he or she belongs to the enemy camp, and that being in the United States at this moment provides us with an especially unpleasant experience of alienation and widespread, quite specifically targeted hostility. For despite the occasional official statements saying that Islam and Muslims and Arabs are not enemies of the United States, everything else about the current situation argues the exact opposite...with an Arab or Muslim name is usually made to stand aside for special attention during airport security checks.⁴⁷

This racial profiling⁴⁸ is justified by the nation's fear of another terrorist attack. These fears reinforce the processes of racialization, such that racial profiling becomes a "regime of truth" (Foucault, 1980) the purpose of which is to keep whiteness as the only legitimate way of being for the nation (Tator & Henry, 2006, p. 17).

As Fiske (2000) argues, surveillance is a technology of whiteness that racially zones both the physical space of the city, as well as the social spaces; these spaces are demarcated

⁴⁶ For instance, see Andrew Coyne, "We have no choice but to confront evil," *Leader Post* (September 15, 2001).

⁴⁷ See Edward Said, "Thoughts about America", *Al-Ahram Weekly Online*, 28 February-6 March 2002, Issue no. 575.

⁴⁸ Tanovich (2006) defines racial profiling as occurring when "law enforcement or security officials, consciously or unconsciously, subject individuals at any location to heightened scrutiny based solely or in part on race, ethnicity, Aboriginality, place of origin, ancestry or religion or on stereotypes associated with any of these factors rather than on objectively reasonable grounds to suspect that the individual is implicated in criminal activity" (p. 13).

by boundaries that white cannot see and people of color cannot cross (Fiske, 2000).

Moreover, "surveillance is a technology of normalization that identifies and discourages the cultural expression and behaviour of social formations that differ from those of the dominant, and thus chills any public display of difference" (p. 61). While racialized surveillance normalizes whiteness, it simultaneously renders differences of the Other as abnormal. This pathologizing process is significant if surveillance needs to work for legitimizing whiteness as the 'norm' of Canadian society. However, dominant amongst the discourses as it relates to racial profiling is total and pervasive denial that racism exists in the structures and cultures of policing.⁴⁹ In one of her later speeches, McLellan termed the Act as an "*Act of prevention*"⁵⁰ (emphasis mine). In order for national security to take preventive measures, an essentialized and common-sense understanding of the enemy is needed. It then becomes all about being able to "identify the abnormal by what it *looks like* rather than by what it *does*: it needs to abnormalize, or criminalize, by visible social category, not by social behaviour" (Fiske, 2000, p. 61, emphasis in original).

Within contemporary nation-building practices of Canada, this surveillance or racial profiling of Muslims of color has become a regularized practice in order to keep Muslims in their physical and ideological place. A poll conducted after the London bombings of 2005 revealed that 62% of Canadians believe that there will be an attack in this country within the next few years, and that stricter security measures should be put in place in order to safeguard Canada and Canadians.⁵¹ Even though no reference had been made as to who these

⁴⁹ For instance, one week after the 9-11 attacks, RCMP issued a profile of the terrorists by specifically identifying them as "men who flew the planes," without ever referring explicitly to their ethnic and religious characteristics. See Transcripts of Proceedings, 30 June 2005, 8184-86 and 8187, II. 3-8, online: Commission of inquiry into the actions of Canadian officials in relation to Maher Arar <http://www.stenotran.com/commission/maherarar/2005-06-30%2033.pdf> (date accessed 21st March 2007).

⁵⁰ *supra* note, 39.

⁵¹ See Campbell Clark, "Canadians want strict scrutiny, poll finds," *Globe and Mail*, 11 August 2005, A1.

'Canadians' are, it can be critically argued that they cannot be the racially profiled Muslim. The intense racial profiling of bodies of Muslim men and women has once again proven that spatial regulation is about membership in the nation.⁵² For instance, Mohammed Attiah, an engineer in Ottawa was fired post 9-11 after being interrogated by the Canadian Security Intelligence Services (CSIS) and RCMP in the parking lot of the plant in which he worked. It was feared that he 'might' be making bombs for the terrorists. In May 2004, Shanake Senevitane, a South Asian Muslim student at McGill University was taking photographs at a subway station in Montreal as part of his research work for three urban planning professors when the Montreal police handcuffed him and told him that he was a 'threat' to the national security of Canada (Tanovich, 2006, p. 28). As Thobani (2003a) remarks, "Racial profiling reveals, once again, the fundamental character of liberal democracy as a racialized project" (p. 597).

I run into the white police officer on Arbutus Street the other day. He looks at me. I try to look Him in the Eye. Our E/eyes meet. I try to smile, but for someone with suspicious eyes and ungraceful, almost run-like walk, smiling is not easy. I then look down, while He continues to stare at me. What have I done? I have almost stopped walking by now. Intense fear grips my body. I feel stupid! What could he do? I am a citizen. Look up, look up. I then laugh at my silly thoughts. Citizen? I still can not look at Him, I still cannot stare at Him in the candid way that He continue to 'check me out'. On my way back home, I take a different route. Every time I walk on that Street now, my eyes search for Him. But there are so Many who are Him. His Body is so pervasive. No! Omnipresent! Yes, that is the right word. The god-like status, or perhaps God Himself?

⁵² I discuss the implications of the 9-11 attacks for Muslim women in later section of this chapter.

A 2003 statement by the Canadian Islamic Congress (CIC) reveals that there has been a shocking 1,600 % increase in hate crimes against these so-called 'Muslim threats'. Apparently so many Muslims were complaining to Council on American-Islamic Relations Canada (CAIR-CAN) about being racially profiled, that Riad Salojee, Director of CAIR-CAN issued more than 30,000 copies of the guide, *Know Your Rights* to Muslims and those who 'look like' Muslims. Moreover, a 2004 survey from CAIR-CAN, involving 467 respondents suggests troubling levels of racial profiling of the Arab and Muslim communities.⁵³ 8 % of the respondents were questioned by CSIS. In some cases, the respondent were discouraged from seeking any legal representation and also threatened to be arrested under the *ATA*. 89 % of those questioned were males between the ages of 18 and 35, of which 36% were Arabs, 42 % were South Asian and the remaining numbers were made up of other racialized groups such as Persians and Africans. Also 85 % of those harassed by the CSIS were Canadian citizens, while 11% were permanent residents.

These figures remind us again that the figure of the racialized Muslim man has captured the attention of 'legitimate' Canadians as the most serious threat facing the nation today. As Mamdani (2004) has noted, Islam has become the next big threat facing the liberal democracies of the West since the end of the Cold War. Therefore, the racialized moral panic, the derogation of Muslims by law enforcement officials and the white nation at large are not only the consequence of the 9-11 attackers being Brown Muslim males. I argue that the Orientalist legacies of Muslim men as 'barbaric' and 'uncivilized' and Muslim women as 'oppressed' and 'in need of rescue' by the white man has played a major role in legitimating the *ATA* and the framing of anti-Muslim discourses as that of national security.

⁵³ See Presumption of Guilt: A National Survey on Security Visitations of Canadian Muslims, online: CAIR-CAN <http://www.caircan.ca/downloads/POG-08062005.pdf> (date accessed 31st December 2006)

The 'Barbaric' Muslim Man

Bernard Lewis (1990), one of the most respected Orientalists, in one of the most notorious early articles written on Islam, "The Roots of Muslim Rage," states:

There is something in the religious culture of Islam which inspired, in even the humblest peasant or peddler, a dignity and a courtesy toward others... in any other civilization. And yet, in moments of upheaval and disruption, when the deeper passions are stirred, this dignity and courtesy towards others can give way to an explosive mixture of rage and hatred which impels even the government of an ancient and civilized country...

The "explosive mixture of rage and hatred" thus becomes a legacy of 'Islam' itself. Any Muslim body, from a "humblest peasant" to a "peddler" can then be seen as a potential terrorist and as a threat to the white nation. The 'problem' of "Muslim rage" is blamed on Islam, which then becomes intimately tied with some abstract and monolithic conception of "religious culture". The fact the there are more than 1.2 billion Muslims in the world⁵⁴, subscribing to seventy-three prominent sects, and speaking several different languages, of which Arabic is not the most common, becomes buried under the rubble of Orientalist tropes of Islam and the Muslim 'culture'.

My civilization! As if it was a monolithic, unilateral movement. No sideways and no upward motions. A civilization of us savages. Our "Muslimness" had rendered us the stranger strangers. Recognition of our strange strangeness had demanded demarcating boundaries -symbolic boundaries which would not let us cross them. The clash of

⁵⁴ http://www.adherents.com/Religions_By_Adherents.html (date accessed March 23, 2007).

ignorance. That's what it was for my savageness. But who listens to an ugly, despicable Brown woman who smells of turmeric?

Writing about the alienating treatment of Muslims in Canada, Razack (2004) makes it clear that these Orientalist tropes about Muslims are often an important constituent of racism levelled against Muslims in the West, especially post 9-11:

The policing of Muslim communities is... organized under the logic that there is an irreconcilable culture clash between the West and Islam with the latter bent on the West's destruction. They [Muslims] are tribal and stuck in pre-modernity, the argument goes, possessing neither a commitment to human rights, women's rights nor to democracy. It is the West's obligation to defend itself from these values and to assist Muslims into modernity, by force if necessary, as the wars in Afghanistan and Iraq both underline. (pp. 129-130)

The fear of this "culture clash" has been also mobilized as the "clash of civilizations" (Huntington, 1993) by the government and the media alike. Critiquing the racist and Orientalist rationalities underpinning the 'war on terrorism', Thobani (2003) remarks, "President Bush was invoking an American 'nation' and its 'enemy' in clearly racialized civilizational terms" (p. 401). One of the questions which the President posed to the American nation was, "Why do they hate us"? In asking this question, he evoked Huntington's notorious thesis of "clash of civilizations" which has embodied the anxieties about the nation by arguing that nations were being replaced by quasi-primordial constructs such as civilizations, which in turn resulted in a discourse about the Western Civilization versus the civilization of the barbaric, bloodthirsty, irrational and monocultural Muslim Others.

The post 9-11 discourses of security of the nation have been carefully deigned for designating the 'bloodthirsty' Muslim man as the "bad Muslim" (Mamdani, 2004) vis-à-vis

the seemingly 'oppressed' Muslim woman who is constructed as the "good Muslim"⁵⁵ (Mamdani, 2004). This ideology underpins the release and consumption of the *Anti-terrorism Act* as a policy of simultaneous inclusion of the "good Muslim" women and the exclusion of the "bad Muslim" men from Canadian state. As such, the Act is an oxymoronic; on the one hand, it is a policy of benevolence of the nation, while on the other is a draconian Act guardian nation's physical and ideological borders. Having outlined the Orientalist construction of the Muslim man of color, I now examine the Orientalist construction of Muslim women. I argue that it was the politics of 'saving' Muslim women that contributed to the anti-Muslim discourses, and the legitimating of the Act within a seemingly multicultural nation. The discursive representations of Muslim women as "good Muslims" who could be 'rescued' from the violent Muslim men by the white nation provided the ideological justification for consumption of the Act by Canadians.

The 'Oppressed' Muslim Woman

Muslim women's bodies have played an integral role in how Orientalist discourses inflict symbolic violences on the bodies and psyches of Muslim men and women.⁵⁶ Their bodies like bodies of Aboriginal and other Indigenous women in histories of colonial nations

⁵⁵ However, the categories of "good Muslims" and "bad Muslims" are not homogenous in terms of gender. The Canadian state does not perceive all Muslim women as "good Muslims". A classic example of this is the vilification and denigration of Sunera Thobani, a professor in Women's Studies Department at University of British Columbia, who in a speech given to 500 feminists in Ottawa in October 2001, opposed the US foreign policies, colonialism, imperialism and the war which the Bush government was preparing for at the time. Her speech created a big havoc in the media, and she was vehemently criticized for being "anti-American", which somehow translated into anti-Canadian, and therefore into a "bad Muslim". Margaret Wente from *Globe and Mail* rejected her (and not just her speech) by calling her "stupid and morally bankrupt" and further argued that the fact Thobani was able to deliver a speech like this and not be killed was proof enough of the freedom she enjoys in Canada. Her speech was seen as uncritical tolerance of dissent because of multiculturalism in Canada, as she was an immigrant woman of color.

⁵⁶ Here, I do not mean to assert that this symbolic violence is not often tied intimately with material violences as well. However, the state as benefactor of the 'imperilled' Muslim woman does limit the capacity of Muslim women to speak for themselves, and as such, is a significant source of symbolic violence.

have always been significant in justifying colonial violences as “civilizing missions” (Razack, 1998, 2004; Spivak, 1988; Thobani, 2003, 2005; Bahri, 2004; Alloula, 1986). The culture of surveillance engulfing Muslims today is often framed in the language of gender equality and is prevalent in the form of a globally organized phenomenon. Muslims are seen as stuck in pre-modernity and the ‘benevolent’ West deems it as its moral obligation to assist Muslims into modernity or, at least, rescue their women folk⁵⁷. As Razack (2004) claims:

The body of the Muslim woman, a body fixed in the Western imaginary as confined, mutilated, and sometimes murdered in the name of culture, serves to reinforce the threat that the Muslim man is said to pose to the West and is used to justify the extraordinary measures of violence and surveillance required to discipline him and Muslim communities. (p. 130)

This symbolically, and often physically violent and racialized discourse of ‘saving’ Muslim women strengthens the Orientalist imagining of Muslim male’s body as that of a ‘barbaric’, ‘irrational’ savage who must be disciplined by the white nation. This discipline is achieved through “exclusion, marginalization and denial” (Tuhiwai-Smith, 2002, p. 68). It is this excuse of ‘disciplining’ the Muslim man and liberating his inherently ‘oppressed’ women that many Western governments have used to legitimate the invasion of Afghanistan, with a hidden agenda of fighting the threat which was part of the heritage of the Cold War (Cloud, 2005; Mamdani, 2004).

A classic example of the Orientalist discourse of ‘saving’ Muslim women is the recent “Town Charter” issued by Herouxville, a small town in Quebec, and signed by the mayor and six city counselors of the town.⁵⁸ The five page document outlines overtly racist and anti-Islamophobic ‘standards’ such as “we consider that killing women in public

⁵⁷ In saying so, I do not mean to deny that many parts of the Muslim world are continually exploited for economic reasons. I am merely stating the popular discourse framing Muslim East and Christian West discourse today.

⁵⁸ See Municipalite Herouxville, online: <http://municipalite.herouxville.qc.ca> (date accessed 29th April 2007).

beatings, or burning them alive are not part of our standards of life" (p.2). The document continues outlining several other warnings such as "You would see men and women skiing together on the same hill at the same time, *don't be surprised this is normal for us*," (p.3, emphasis mine) "You may not hide your face as to be able to identify you while you are in public. The only time you may mask or cover your face is during Halloween, this is a religious traditional custom" (p.3).

It is clear that these 'standards' are directed towards the Muslims of color in the town. The "Town Charter" opens with a warning that "we would especially like to inform the new arrivals that the lifestyle that they left behind in their birth country cannot be brought here with them..." (p.1). The Orientalist imagining of Muslim males have constructed these men as hypermasculine, and ready to kill their womenfolk in the name of Islam and patriarchal honor. Moreover, in the imagination of the white nation, the veil of the Muslim women remains as one of the important discursive features of Islam's oppression of women in Islam. Fanon (1965) has discussed the significance of unveiling the native women in the context of French colonization of Algeria. For instance, he states that the mantra of French colonizers was, "Let's win the women and the rest will follow" (p. 37). Unveiling the colonized women was a significant factor in determining the success of the colonial project.⁵⁹ Similarly, the unveiled faces of Muslim women are equated with freedom from 'oppression' that 'Islam'

⁵⁹ See Fanon (1965) for a detailed discussion on unveiling of Algerian women. Fanon argues that the basic logic underlying this mantra was the belief that unveiling of women would mean that the colonizers possessed the bodies of the women, and consequently the men would have to follow the women. See also Alloula (1986) for a collection of exoticized images of Algerian women. These Algerian models, some of whom posed bare-chested with their faces veiled were photographed by French colonizers. These postcards were circulated in France for pennies. It was also a proof of the barbarity and backwardness of Algeria, which in turn allowed the French to portray the violent colonization of the Algerians in the name of bringing civilization and order to the land. See also Yegenoglu (2003) for a further discussion on Western fascination with Muslim women's veils.

inflicts on them.⁶⁰ In drafting these racist standards of the “Town Charter”, the fact that the town has only one immigrant family, and not a single Muslim family in town, was not important. The fear of the culture of the Muslim Other is an inherent aspect of how their bodies are viewed in the West. As such, this fear, and not the actual presence of Muslims within the town, was sufficient for writing this Charter.

The ‘saving’ discourses have positioned Muslim women as passive objects in the debates between Islam and the West, tradition versus modernity, while simultaneously erasing accounts of these women’s agency and daily struggles. Spivak (1988) calls this fantasy of the imperialist as saviors of Third World Muslim women, as the “long-term toxic effect” of imperialism. Many feminists, both Muslims and those belonging to other faiths, used the notion of “unproblematized global sisterhood” (p. 149) to lay the groundwork for fighting this war, which failed to reflect the impact of US foreign policies in the oppression of women in Afghanistan, or the racism and sexism underlining historical and contemporary Canadian nation building. This discourse recommending Muslim women adopt Western norms also turns into what Hage (1998) calls the “discourse of Anglo-decline”. Mourning the “ethnic enclaves” in Toronto, Wente asks whether ‘we,’ (the Canadians-as-members-of-the-nation) have become too tolerant, and whether ‘they,’ (the barbaric Muslim immigrants) are taking advantage of ‘our’ niceness. She recommends that Canadians should take the Charter guidelines put forth by Herouxville seriously. In another column titled “We’re not oppressed, Muslim women tell Quebec town,” Jeff Heinrich describes that nine Muslim women visited

⁶⁰ This does not mean that bodies of Muslim women have not been the target of post 9-11 racialized violence. For instance, Jiwani (2004) notes that there have been reports of harassment of several women wearing headscarves or hijabs. However, as Jiwani argues, we seldom hear any first hand narratives of these violences from the women themselves. In popular discourses, Muslim women who have been the targets of harassment “are framed as victims who are acted upon by others rather than as active agents who are capable of determining their own course of safety or resistance to the perceived threat from the outside” (p. 277).

the town in the midst of this Charter controversy. He describes the Muslim women as “Well-educated, poised and speaking flawless French, the women were mostly immigrants from Arab countries or immigrants who had grown up in Montreal”. The fact that their education, flawless French and their being Arab ‘immigrants’ who grew up in Montreal was highlighted points to the fact that these women have been saved by the West. Even though the tone in the article is critical of Herouxville’s community ‘standards’ as outlined in that document, the article still strongly suggests that these ‘immigrants’ can now speak French, grew up in Montreal, and hence have been reclaimed from their Arab barbarity. This politics of “saving brown women from brown men” (Spivak, 1988) has therefore been deployed by the state to incite a racialized moral panic about the physical and ideological spaces of the nation being infiltrated by dangerous strangers belonging to an anti-modern civilization.

The *Anti-terrorism Act*, as a “juridical discourse” of the nation performs an important nation-building role in contemporary Canada by continuing to relegate Muslims to spaces away from the “imaginary community” of the nation. This Othering is justified as an absolutely urgent measure needed for national security reasons, even at the expense of suspension of the civil liberties for Muslims within the nation. In this process, however, the nation claims its benevolence by arguing that it is not only safeguarding the security of the nation, it is also ‘rescuing’ Muslim women from the oppressive Muslim men, and bringing the former into ‘modernity’. Within these Orientalist legacies of suspicion and fear of the Brown bodies of Muslim men, the *ATA* with its racist provisions of preventive arrests, investigative hearing and broad definition of “terrorist activity” has been presented as a *natural* response of the ‘responsible’ ‘host’ nation. In the next chapter, I conduct a more

detailed analysis of specific sections of the Act based on the theoretical and methodological frameworks discussed previous chapters.

CHAPTER IV: THE ANTI-TERRORISM ACT AND NATION-BUILDING: AN ANTI- ORIENTALIST DISCOURSE ANALYSIS OF THE ACT

The Minister of Justice, Anne McLellan, introduced the *ATA* in the Parliament with the following rationale: "The horrific events of September 11 remind *us* that *we* must continue to work with other nations to confront terrorism and ensure that 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*".⁶¹ (emphasis mine). The Minister's own privileged position as an "authorized spokesperson" (Bourdieu, 1991) of the state in making this claim was presented as positionless. The draconian piece of legislation she introduced was presented under the simple rationale that "Terrorism is the most significant threat to Canada's national security"⁶².

In this chapter, I conduct a discourse analysis of the *Anti-terrorism Act* to examine how the Orientalist tropes of defining the nation's Others works at the level of "juridical discourse" of the state. My investigation is not significantly concerned with an analysis of the linguistic aspect of the *Anti-Terrorism Act*, or with analyzing each and every word, line or even paragraph in the written text of the document. Rather, I am interested in exploring how the treatment and representation of Muslims of color in the language drawn upon by the Canadian state (*Anti-terrorism Act*) vilifies them to spaces outside the nation.

⁶¹ See *Government of Canada Introduces Anti- Terrorism Act* (15 October, 2001), online: Department of Justice http://www.canada.justice.gc.ca/en/news/nr/2001/doc_27785.html (date accessed 20 October 2005).

⁶² See Threat Overview: Threats to Canadian Interests (15 October 2001), online: Department of Justice http://www.justice.gc.ca/en/anti_terr/fact_sheets/threat.htm. (date accessed 20 October 2005).

"it will take a long time, but the story must be told".

(Leslie Marmon Silko, cited in Minh-ha, 1988, p. 119)

Positioning "Terrorist Activity" in the Act

I begin by exploring section 83.01 as it has been one of the most controversial aspects of the Act since it defines a "terrorist activity" for the first time in the history of Canadian law (Roach, 2001, 2003). More importantly, this definition serves as the lynchpin for most of the offences defined in the *Act*. Subsection (1) (a) of section 83.01 defines 'terrorist activity' as "an act or omission committed or threatened in or outside Canada that, if committed in Canada, is one of the following offences..." It continues to list ten (from section 83.01 (1) (a) (i) to section 83.01 (1) (a) (x)) offences which refer to several different acts amended by the *Act*. The Department of Justice Canada states that section 83.01 of the *ATA* supports Canada's compliance with ten major United Nations counter-terrorism conventions and protocols, and that it accomplishes this goal by incorporating into the definition of "terrorist activity" various offences from the U.N. conventions.⁶³

The Canadian Bar Association (CBA), comprising of 37,000 jurists, including lawyers, notaries, law teachers and students across Canada, argue in their sixty-seven page report on the *Anti-Terrorism Act* that no global or universal definition of terrorism exists and that "defining terrorism is not a simple task" (2001). In fact, Roach (2001, 2003) has repeatedly argued that the *Criminal Code* of Canada was sufficient to deal with any individuals or groups posing a threat to the well-being of the state and its people, and that a new *Act* should not have been conceived if indeed the goal was to deal only with the threat or

⁶³ The *Anti-terrorism Act*: Definition of Terrorist Activity on Feb 7, 2007 (updated). See online: Department of Justice http://www.justice.gc.ca/en/anti_terr/fact_sheets/def_terr_act/def_terr_act_1.html (date accessed: 14 February, 2007).

those engaging in harmful activities. In a similar vein, Ligue des droits et liberties (2005) has labeled the act as “misleading, useless and dangerous” (p. 4). If the role of this “juridical discourse” is only to target only those posing threat to the nation, then it is an unnecessary piece of legislation.

The critique of the Act presented by Dyzenhaus (2001), however, suggests otherwise. Commenting on the definition of “terrorist activity” in the Act, he states:

The most serious derogation from rule of law in the Bill is inherent in all anti-terrorism statutes. The target is ‘terrorism,’ an offence which is undefinable since it presupposes that there is an *internal political enemy*, someone so existentially different that we cannot name him in advance in order to deal with him either through the ordinary criminal law, or by relaxing the rule of law to some extent for a definable and clearly supervised period. The Anti-Terrorism Bill is no exception here, nor could it be. Nor will attempts to refine the definitions help, as they will pile definition on to definition, leading to the same vague result. (p. 28, emphasis mine)

This notion of an “internal political enemy” marks the ideological underpinning shaping the definition of “terrorist activity” in the Act. Within this legislative process of labeling a person or a group evil, reduces what may be a complex social, political and economic phenomenon to a simple moral framework of right or wrong, thereby essentializing that wrongdoing as pathological.

Given the 9-11 geopolitical context framing the release of this Act, the important question is what is different about the nature of terrorism and terrorists from other ‘criminals’ who have been security threats in the past? The ideology of whiteness lies in this unspecified, untested belief that there is an existential difference between those the state will target as ‘terrorists’ using the law, versus the ‘criminals,’ some of whom are white. Therefore, it is obvious that

the image of the “terrorist” is very unambiguous in the state’s anti-terrorism “juridical discourses”.

The definition of “terrorist activity” continues in Section 83.01 (1) (b) (i) (A) which refers to the motives of those suspected of engaging in terrorist activities. It reads that “terrorist activity” is, “[an act or omission, in or outside Canada, that is committed] in whole or in part for a *political, religious or ideological* purpose, objective, or cause” (emphasis mine). Mia (2002) argues that the essential elements of a crime are intent and act, and that by injecting the motives clause, “the *ATA* has moved significantly from the accepted principle that criminal law is designed to prevent and punish socially unacceptable *acts* rather than *motives*” (p. 130, emphasis in the original). This symbolic and material violence of the provision is illustrated by the Coalition of Muslim Organizations (CMO) (2001) in their report on the subject matter of the Act.⁶⁴ The Coalition argues that if there are two equally heinous acts of terror, one committed for an ostensible religious purpose, and the other for the sake of creating fear itself, the former would be designated as ‘terrorist’ in nature, while the latter would be labeled as merely criminal in nature.

Many have expressed the fear that proof of motives would lead to religious and political targeting of individuals suspected of engaging in terrorist activities. This, of course, as I have argued through examples of intense racial profiling of Muslim bodies in the previous chapter, is a fear grounded in reality. While these critiques of the motive clause in the Act are important in my analysis, I believe that underlining this motives clause is an intrinsic fear of the “roots of Muslim rage” (Lewis, 1990) in Canada. As such, Christianity as a motive for having a protest on the streets would not be deemed as abnormal, while Muslims

⁶⁴ Special senate committee on the subject matter of Bill C-36 (December 5, 2001). See online: Coalition of Muslim Organizations www.Muslimlaw.org (date accessed: November 12, 2006).

protesting against the 'war on terrorism' can be arrested under this provision. Since the definition of 'terrorist activity' includes acts and omissions committed outside Canada, an increasingly dangerous source of collecting these motives, under the *ATA*, is the foreign government. It is clear that most of the suspects whose information is collected from foreign governments are people of color. This implies that many Convention refugees who have managed to escape persecution of the government for their political activities can be labeled as terrorists and deported back to those same repressive regimes.⁶⁵ Therefore, the highly racialized nature of citizenship and any other legal status for people of color within the white Canadian nation is obvious here.

Sunset Provisions in the Act

The anxieties of the white nation about the presence of Muslim Other are clearly embodied by two of the most draconian provisions, found in sections 83.28 and 83.3 of the Act⁶⁶. Section 83.3 of the Act, which allows for 'preventive arrests' has been euphemistically labeled as the "Recognizance with Conditions" provision. It allows for 'preventive arrest' without a warrant and without a charge being laid for several days if the officer believes that a person *may* commit an offence. CBA (2001) has argued that "preventive arrest should only be possible where a police officer believes that the terrorist activity will be carried out

⁶⁵ This is exemplified by the case of Maher Arar, a Syrian-Canadian who had lived in Canada for almost twenty years. In 2003, he was accused by the US and Canada of planning a terrorist attack, and was deported back to Syria where he was brutally tortured for months before his wife's political activism to free her husband, along with public support, forced the government to bring him back to Canada. In 2006 he was exonerated from all charges, and the government issued a formal apology to him.

⁶⁶ These two sections were the sunset clauses. A sunset clause is a "statutory provision for a law to expire at a given time, subject to its re-enactment (McMenemy, 2006, p. 375). Even though these two clauses have expired and have not been renewed since March 1, 2007, my concern here is with what is 'sayable' in the nation, and by whom. I believe that the fact that these two provisions were drafted in the first place and were allowed to remain as part of the national legislation, despite appeals from minority groups, is significant proof of how the Act targets the racialized minority within the nation.

imminently. We should not countenance detention without warrant on mere suspicion that an offence will at some future time be carried out". Detention without charge indicates that the officer is acting on a prejudicial hunch, without sufficient evidence to form concrete grounds to the existence of a particular offence.

The person suspected of carrying out terrorist activity is then to be taken to the provincial judge, who, according to subsection 8 of this section, would "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..." (emphasis mine). The term "good behaviour" indicates that the bodies of those who are held without charges, those who are the subjects of this racialized violence of the Act need to be contained and detained until they learn the 'Canadian' values and become 'civilized' enough to be let out free into the public. Any sign of behavior otherwise would result in them being incarcerated under the suspicions of the state. The Orientalist trope of disciplining the bodies of the racialized Other, is obvious here. As I have examined in previous chapters, containment of the Othered bodies is constructed and carried out for the safety and security of the physical and social spaces of the white nation.

Moreover, the fact that a Canadian citizen can now be arrested without a warrant erases the difference between racialized citizens and racialized immigrants and refugees in Canada. Under Canada's *Immigration and Refugee Protection Act (IRPA)*⁶⁷, only non-citizens deemed as posing threat to the nation can be arrested without a warrant under the Security Certificates.⁶⁸ However, under the *ATA*, even Canadian citizens can be arrested without a warrant, thus erasing the difference between Charter rights offered to citizens and

⁶⁷ S.C. 2001, C.27.

⁶⁸ The Supreme Court ruled down the security certificates in 2007.

the rights of other non-citizens within the nation. Thobani (2007) is right when she asserts that Canada's official policy of multiculturalism has led to an "ideological erasure of the legal distinctions between the 'immigrant' and 'citizen' status of racial minorities" (p. 137). This erasure of status of racialized groups is extremely clear in this case. In fact, no legal status within Canada can safeguard the civil rights of Muslims living within the Othered spaces of 'wretched of the earth in Canada'.

Section 83.28 of the Act is titled as "Investigative Hearings". Under this provision, "a peace officer may, for the purposes of an investigation for a terrorism offence, apply *ex-parte* to a judge for an order for the gathering of evidence". The basis of this request is, as section 83.28 (4) (a) outlines, "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...". Section 83.28 (4) continue to use the evasive language of "reasonable grounds" to order the suspected individual to appear before the judge.

These two provisions violate various fundamental rights guaranteed to legitimate Canadian citizens. As Mia (2002) outlines, under Section 9 of the *Charter*, warrantless arrests can only be made on the grounds that the commission of the offence was imminent. In contrast, under the *ATA* only the suspicion of the officer is enough to guarantee an arrest. As John Russell, then Vice President of B.C Civil Liberties Association (BCCLA) in his critique of the *Act*, and of these provisions in particular, states:

When we make Canadian citizens subject to preventive detention on a reasonable suspicion but not on probable grounds of a threat of wrong-doing, when we compel them to testify when no charges have been laid against anyone, when we permit elected partisan figures to exclude possible exculpatory evidence from criminal trials or to order covert surveillance of

Canadian citizens, we come perilously close to being ruled by men and women and not by law.⁶⁹

It is significant to acknowledge here that these Charter rights are not available to racialized groups within the white nation. The reference to 'Canadian' in popular discourses of national security has been about 'legitimate' Canadians only. As such, the logic of colonial violence in removing people of color at the will of the colonizer are very much at play in this infringement of rights of Muslims and those who 'look like' Muslims.

Creating a List of Terrorists

The surveillance of Othered spaces is also illustrated in section 83.05 of the Act which allows for a "list of entities"⁷⁰ to be created. Under this particular provision, the Solicitor General has the authority to allow for inclusion on a government's "list of terrorists" any entity whom he/she has reasonable grounds to believe carried out, participated or facilitated a terrorist activity. There are no procedural safeguards to challenge such a decision, and in fact the Act includes a provision which states that if the Solicitor General does not respond within 60 days of challenging a groups' placement on the list, it is to remain as a listed entity.

This has led to a growing fear amongst Canadian religious and humanitarian NGOs that humanitarian assistance could be discouraged from reaching those areas of conflict where it is often impossible to avoid relating to all involved combatants in the process of

⁶⁹ See *Speaking notes in federal Anti-terrorism proposals, Bill C-36* (October 30, 2001). See online: BCCLA <http://www.bccla.org/othercontent01anti-terrorism.html> (date accessed: 30 November, 2006).

⁷⁰ As Mia (2002) notes, the government amended the *ATA* prior to its passage to introduce more palatable language by changing "list of terrorists" to "list of entities".

delivering assistance to those in need.⁷¹ As Mia (2003) observes, this list may be used in three ways:

First, those on the list are subject to scrutiny by the state and private parties. Second, the list serves as foundation of evidence for a variety of serious offences under the *ATA*, such as the facilitation of terrorist activity or participation in terrorist activity. Third, the list is significant to a regime of private enforcement, which may result in social ostracism. The fact of being "listed" is sufficient evidence that an individual or organization is a terrorist entity, which conclusion then becomes the basis for prosecution of that entity or anyone associated with it.
(p. 93)

The fact that being listed is sufficient to prove that an individual or organization is engaged in terrorist activities has serious repercussions for those whose survival depends upon these organizations. For instance, sending aid to countries on the watch list of Canadian officials, or even sponsoring a Muslim relative who has had any criminal record in his country, can lead to being put on this list. An example of a person whose life has been drastically affected by this provision is Liban Hussein, a Somali-Canadian, who discovered that both he and his money transfer company with a branch in Ottawa were black-listed and that his accounts were frozen. Hussein remained in an utter state of panic and fear of the unknown for six months before 2002 when the Canadian government admitted that there had been a 'mistake'. Within six weeks of this admission, Hussein's name was cleared from the list and he received some compensation from the government (Tanovich, 2006, p.9).

When the 'mistake' becomes institutionalized, however, it is little wonder that bodies of color are the ones usually misrecognized by police and other law enforcement authorities of the state. In fact, as Bahdi (2003) argues, the Office of the Superintendent of Financial

⁷¹ See *In the Shadow of the Law*, Report by the International Civil Liberties Monitoring Group (May 14, 2003), 7; online: http://www.waronterrorismwatch.ca/In_the_shadow_of_the_law.pdf (date accessed 20 November 2006).

Institutions (OSFI)⁷² advised several financial institutions in Canada to regard with suspicion not only the people whose names are actually on the list, but also anyone whose name *resembles* the name of a listed person. Therefore, it seems like 'doing business while Muslim' has become criminalized in Canada. Being perceived and/or labeled as a terrorist or a potential terrorist essentializes the 'criminal Other' as the rightfully surveilled Other. As such, the *ATA* has been carefully deigned so that only bodies of those who are not part of the "imaginary community" of the nation become its targets.

Arrests under the ATA

Employing the notion of discourse as a powerful social practice means that social, political and historical factors that allow certain discourses to circulate as 'official' discourses within the nation, as well as the political practices that these discourses have affected, must be taken into account. As such, I turn my attention to a recent case that explores the contestation over the truths produced by the *ATA*.

In June 2006, in a dramatic and spectacular pre-dawn raid, four hundred police officers arrested seventeen Canadian Muslim men of color, five of whom were of minor age, under the *Anti-terrorism Act*. The police claimed that it disrupted a major terrorist plot to storm Parliament and behead the Prime Minister. In popular discourses of various state institutions such as the media, there was no critical investigation of the situation carried out. Instead the suspects were labeled as terrorists even before any of them appeared for a trial.⁷³

⁷² Under the *Criminal Code* (as amended by the *ATA*), the provisions relating to terrorist financing falls to the OSFI in so far as OSFI issues a consolidated list that includes both names and organizations suspected of engaging or supporting terrorist activities.

⁷³ See Faisal Kutty, "Toronto arrests the extremism debate," http://www.islamonline.net/servelet/Satellite?c=Article_C&cid=115607782965&pagename=Zon (accessed 12th January 2007).

On June 12, 2006, CBC News, in an article titled "Indepth: Toronto Bomb Plot—Profiles of the Suspects," released caricatures of the mug shots of these men along with their names, age and the applicatory provisions of the *ATA* under which they were arrested. Some of the information made available to the public included when the suspect immigrated to Canada, even though in most cases it was over 20 years ago. In fact many of the suspects were born in Canada. In one particular case while listing information about the suspect's educational credentials, the report makes it a point to state that his *father* (not he himself) immigrated to Canada from Trinidad and Tobago over 40 years ago. I argue that this information needed to be disclosed because these men were not seen as Canadians, but as belonging 'somewhere else', to some primitive and anti-modern civilization bent upon destroying Canadian values of freedom and tolerance. Moreover, the Western credentials of these alleged suspects were included (such as which school they attended, what they studied) in order to argue that no matter what, these barbaric Muslim men were just not *capable* of learning the Western values of the Act.

The dramatic nature of this arrest along with the discursive strategies framing it continues to reify the significance of the *ATA*, despite the arguments made by many that it is an unnecessary piece of legislation. Even though none of the men have been proven guilty to this point, this dramatic arrest was important in consoling the nation that the law enforcement officials, through the *ATA*, are constantly working to keep their space 'safe' and 'secure'.

In this anti-Orientalist discourse analysis of specific sections of the *ATA*, my findings suggest that the Anti-terrorism Act is built on very specific rationalities of Orientalism, and with very particular racialized notions of who constitutes the "enemy insider/terrorist". While

I agree with all the critiques of the Act outlined above, I have powerfully demonstrated that the state had a pre-conceived idea about who would be suspected of 'terrorism' in Canada. The definition of the "terrorist activity" and other provisions of the Act, therefore, are not at all ambiguous in the imagination of those who have produced these knowledges regarding anti-terrorism measures. I have also argued that *Charter* rights are specifically reserved for Canadians-as-members-of-the-nation, whereas those constructed as 'wretched of the earth in Canada' occupy the underside of democracy, and as such live in vulnerable 'spaces of removal' far from the "imaginary community" (Anderson, 1983) of the nation. In my examination of the Act, I have also shown how the *ATA* constructs certain truths about 'terrorists' and how these truths are then applied to vilify Muslim men, as in the example of the seventeen arrests above. More importantly, by situating this Act within a broader socio-historical framework guiding Canadian nation building, I have clearly established how the *ATA* reinforces whiteness through racial profiling, which has de-legitimated the presence of bodies of Muslims of color within the nation.

There are a million questions. All incomplete, fragmented thoughts that are not supposed to make sense. I do not know where my narratives end and where my questions begin. I do not know if you understand my unwritten questions here. Where does my body begin? Where do my herstories end? I cannot translate my consciousness into these words. I cannot translate the consciousness of dead women into words. Even their consciousness, like their bodies stink now. The letters cannot embody that stench.

CONCLUSION

Writing in an through the skin

*It must be odd
to be a minority
he was saying.
I looked around
And didn't see any.
So I said
Yeah
it must be.*

Mitsue Yamada, "looking Out" in Camp Notes (cited in Minh-ha, 1989, p. 79).

In the Eurocentric space of the academia, I have often been told not to "rant on and on" about race. The 'habitual shock' of having being spoken to in such a derogatory manner, the sting of tears and the 'ancestral shame' of arguing the culturalisation of race has been written on the very surface of my body. 'Ranting on and on' about Orientalist representations of Muslim bodies within the Canadian nation state and especially within the exalted space of the academia has, therefore, been a painful investment. The racist and sexist silencing is part of the "commonsense racism and sexism" (Ng, 1993) framing the nation-building projects in the North. Whoever has the authority to 'speak,' and the content of their discourses, designates what counts as legitimate 'knowledge' in the colonialist and imperial spaces of the academy. Only those knowledges which are constructed according to the white, male-dominated 'norms' are financially and morally supported, re/produced and circulated within the neo-colonial "regime of truth" (Foucault, 1980).

With the racist and colonial power entrenching the hegemonic notion of 'education' in the conservatively 'liberal' academy in the North, the subjugated and marginalized knowledges of the subaltern Others remain 'different', and often as a strictly 'Third World issue' (Mohanty, 2003). As such, the spaces for constructing counter-narratives have rarely been present within the liberal framing of policy critiques in most of my class discussions. It is as if we, the 'Third World' people do not matter in the official curricula of the school. When I first mentioned the *Anti-terrorism Act* in a policy course in 2005, most of my colleagues were completely oblivious of the implications of this "juridical discourse" for Canadian Muslims of color. Gradually, I began thinking that it was solely my responsibility to bring information about this draconian Act into other similar class discussions. With this 'assumed responsibility', people on the margins, like me, often become what Razack (2000) refers to as the "academy's most authentic object of reverence" (p. 42). We become loathed and *museumized* as "an icon that redeems the First World, or its uncooperative native, a reviled scholar guilty of that most wretched of native sins –ingratitude" (p. 43).

The academy, as a site of production of dominant discourses, is an important space witnessing/resisting the struggles of those who are invested in producing counter narratives. As a Muslim woman of color, writing alternative her/stories about those whom the nation has officially demonized as barbaric and uncivilized enemies of the nation has been a daunting responsibility. The risks associated with resisting one's representation as *the* woman of color with an all-encompassing 'Knowledge' about all the struggles of all 'Third World' people are enormous. Being perceived as the 'emotional' Muslim woman here has usually been accompanied with the colonial expectation of being able to speak in a disembodied way and

'authentically' for all Muslims, or at least all Muslim women. Minh-ha (1989) describes this expectation of the imperialist academia from the Third World academic in following words:

Now, i am not only given the permission to open up and talk, i am also encouraged to express my difference. My audience expects and demands it; otherwise people would feel as if they have been cheated: We did come here to hear a Third World member speak about the First (?) World, We came to listen to that voice of difference likely to bring us what we can't have and to divert us from the monotony of sameness. They, like their anthropologists whose specialty is to detect all the layers of my falseness and truthfulness are in a position to decide what/who is "authentic" and what/who is not. (p. 88)

Writing about the violent histories of Canada and its current atrocious policies towards marginalized groups is against the wishes of a 'benevolent' multicultural nation whose expectations are that I write exotic tales about the "native able to give birth squatting, and in this [way] so unlike her Western sister" (Razack, 2000, p. 43). By writing about the symbolic and physical violences inflicted on Muslim bodies in the name of national security in Canada, I have thus become the 'ungrateful' immigrant whose demands are just never satisfied.

Surviving academia as a Muslim woman of color has meant becoming a victim of "intellectual tourism" (Roman, 2004, p. 240). This "intellectual tourism," I argue, is about eating the very skin of the Other, so that the hegemonic 'We' of the academia/nation can *know all there is to know* about the exotic Other. The nationalist pedagogy of 'multicultural' Canada has often objectified the bodies of the colonial Others as worthy of a 'quick study' in schools (Depledge, cited in Dei, 2000, p. 173). Referring to 'Third World' people as "vagabonds" and 'First World' people as "tourists," Bauman argues that "The vagabonds know that they won't stay for long, however strongly they wish to, since nowhere they stop are they welcome. The tourists move because they find the world within their reach

irresistibly *attractive*; vagabonds move because they find the world within their reach unbearably *inhospitable*” (cited in Roman, 2004, p. 242, emphasis in the original).

As “vagabonds”, as those occupying the underside of the nation, I often had to forego my historically marked body. From writing a certain number of chapters, writing in the voice of the third person, keeping my analysis ‘objective’ in an effort to somehow make it more ‘sociological,’ using certain theorists who have never spoken to my past, present, color, smells, accents, skin and body has been an everyday struggle in the process of writing this work and of my student life.⁷⁴ Beginning from elementary school when I first learned to name the genocide of Indigenous peoples in the name of the great ‘discoveries’ of Christopher Columbus and other like him, to learning the ‘legitimate’ ways of writing in the academia, I have often internalized the ways of those who have brutally erased the histories, bodies and knowledges of us people of color. Therefore, the more overtly autobiographical text that I have ‘insisted’ into the body of this text as interruption is written with a different font, and takes up less space than the ‘analysis’. The uneasiness is not only of inserting my experiences into my Master’s thesis. It is also an acknowledgement of the materiality of racial exclusion from the ‘Knowledge’ of the white, male dominated space of the university. The spaces occupied by those who are on the margins, and outside the ‘norm,’ are not simply allegorical and symbolic, but concrete spaces that witness the lived realities of the abjected bodies (McKittrick, 2007, p. 7). The margins do not give much space for speaking to the dominant discourses.

⁷⁴ I am not arguing that as a “Third World” woman, my writing is decidedly different from that of a white person. However, I am critiquing the constant demands and subtle “suggestions” that I use certain theories, or frame my arguments differently, or even leave the emotions ‘out’ of this work. Even though I am immensely grateful to my committee for letting me write this work as I wished, this has not always been the case with me, or with some of my other colleagues of color.

Within this narrative of resistance, some of the questions that continue to trouble me are: Who has the authority to construct Truths about the nation? What spaces are available for racialized men and women to articulate the historical trajectories of their struggles in Canada? How can the process of writing the aesthetics of silence of marginalized groups into national discourse produce other counter-hegemonic narratives of Canadian nationhood? More importantly, what is the impact of knowledges produced by the colonial Others in the decolonizing of the academy?

Ending Note

Tuhiwai-Smith (2002) writes that “the struggle to assert and claim humanity has been a consistent thread of anti-colonial discourses on colonialism and oppression” (p. 26). As such, I have written about my dead grandmothers and my own struggles here in the North in this very spirit of resistance as one of the important first steps of re/claiming that ‘lost’ humanity. This resistance, as Mohanty (2003) argues, “Lies in self-conscious engagement with dominant, normative discourses and representation and in the active creation of oppositional analytical and cultural spaces” (p. 196). My engagement with the Orientalist imagining of Muslim bodies via critical analysis of the *ATA* is my attempt at the creation of counter-hegemonic analytical and cultural spaces. These spaces are, again, not only symbolic, but also physical for I hope that my work can be ethically employed as a critical reading piece in courses as part of the mainstream curriculum (and can get a legitimate place) offered at my and other universities.

I would like to end this work by asserting that the processes of recovering the 'subjecthood'⁷⁵ of the marginalized is an incomplete and fragmentary instance within the realm of rituals which continues like an endless labyrinth whose entrance once found, leads to some exit only over an infinite period of generations, struggles, sacrifices, revolution, losses and some victories. However, this "ranting on and on" will always be a significant part of my struggles.

Again, the words are all unheard. This has been a tale of unspoken words, bemoaned anguish and the unrelenting mirage of thoughts from an unthought era. An era when I thought I was free. It's all fetishes now. Those grotesque bodies hover around me as I reflect here. Time and again, I have been asked to write 'academically' -to use my colonizer's' vocabulary, and to stay within specific boundaries. But the dark bodies don't let me. Not today. I cry as I write. My treasure is Their nonsense. Yet I tell you once again that the contingent tales and the conflicting relationships occupying the contradictory spaces are written on the uncontested spaces of my Body. Written on the religious and sexualized spheres, those very places where the patriarch spits everyday. Those places which give out blood and pus. Blood and pus -the reality of my dark body. my body -the transformed body. The body which stands exposed yet lost in the crowd, frantically searching for an abode, and yet immobile. In this project I dared to indulge in the thought of indulging in my histories, the histories of my mothers. But I do not have the courage to rupture the

⁷⁵ In saying so, I do not intend to romanticize this process of recovery of some pure 'subjecthood'. I understand subject to be contradictory, fragmented, and composed of multiple and contradictory identities and cannot be essentialized under the guise of a singular master identity. Moreover, subject is placed in history, and altered by multiplicity of forces in its immediate and larger context.

centuries old silences. I merely wish to write, even if superficially, the tales about the heavy and oppressive silences framing the realm of my actuality -and the actuality of my elders, my people and my grandmothers, for this is the actuality of a loathed body covered in blood and pus. Yet, a body with immortal hope.

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