

**From Deportation to Apology:
The Case of Maher Arar and the Canadian State**

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Yasmeen Abu-Laban and Nisha Nath

On behalf of the Government of Canada, I wish to apologize to you, Monia Mazigh and your family for any role Canadian officials may have played in the terrible ordeal that all of you experienced in 2002 and 2003.

Although these events occurred under the last government, please rest assured that this government will do everything in its power to ensure that the issues raised by Commissioner O'Connor are addressed.

I trust that, having arrived at a negotiated settlement, we have ensured that fair compensation will be paid to you and your family. I sincerely hope that these words and actions will assist you and your family in your efforts to begin a new and hopeful chapter in your lives.

Prime Minister Stephen Harper
January 26, 2007

The case of Maher Arar, a dual Canadian and Syrian citizen, has captured considerable public attention in Canada and elsewhere. While traveling through the United States on his Canadian passport in 2002, American authorities detained and accused Arar of being a member of al Qa'ida, and then deported him to Jordan. Arar was ultimately sent to Syria, where he was imprisoned for a year, and subjected to torture. Facing mounting public pressure, the Canadian government pressed for his return, which was granted in 2003, and eventually established a fact finding commission to also assess whether and how Canadian officials were culpable. As a result of this commission — which reported in 2006— Arar was cleared of any wrongdoing. Moreover, in 2007 Canadian Prime Minister Stephen Harper issued an apology for any role Canadian officials may have played in this extraordinary rendition, as well as 10.5 million dollars in compensation to help Arar and his family begin “a new and hopeful chapter.”

In light of extensive media coverage of this case, its broad outlines are familiar to most Canadians, and even many non-Canadians. However, as yet there has been limited scholarly and theoretical attention to the Arar case. Utilizing primary sources (particularly government documents and print media accounts) we examine the statements of Canadian and American public officials between 2002 to 2007 to reconstruct how “the story of Arar” - from his deportation to the apology - has been mapped in multiple contradictory ways. The dominant Canadian narrative posits Arar’s case as a simple tale of guilt versus innocence, in which the federal government’s commission ultimately determined that an innocent man was wrongfully accused. Yet, through a more critical reading of the statements made by public officials, we identify two other dualisms lurking below and working in tandem with that of guilt/innocence. The first dualism spins around Arar’s status as a Syrian citizen (‘foreigner’) and his status as a Canadian citizen and full member of Canada’s immigrant-receiving and multicultural polity. The second dualism spins around a tension between the force of law (where coercive power allows that anything is possible) and the rule of law (where the Canadian government’s commitment to human rights both nationally and domestically limits the force, or at least legitimacy, of repression).

Our particular interest in

We argue the inherent tensions marking “the story of Arar” are of tremendous theoretical significance for understanding the contemporary Canadian state as one in which multiculturalism and liberalism *co-exist* with structural violence in the form of racialization and exception.

In making this argument, we take a fivefold approach. First, we overview the literature dealing with multiculturalism, as well as more critical literature on the state which draws attention to the state and racism, as well as the state and illiberal exceptions. Second, we retrace the story of Arar by highlighting two important timelines: from his deportation and imprisonment in Syria to the return to Canada; and the period following his return up until the apology issued by Prime Minister Stephen Harper in January 2007. Third we analyze the (dual) citizen dualism across both of these time lines, followed in the fourth section by a consideration of the force of law/rule of law dualism. The paper concludes with a discussion of the implications of explicitly acknowledging structural violence both for our theoretical understanding of the state, as well as for a human rights and human security agenda.

Theorizing Structural Violence in a Multicultural Liberal State

Canada’s commitment to human rights has been an important outgrowth of the post-World War Two era (Ignatieff 2000; Kymlicka, 2007) and may be seen to be reflected in both its foreign policy (human security) as well as its domestic policy (multiculturalism). In fact, one might suggest that these two policies occupy a dominant position in Canadian political discourse and in Canadian ‘national’ self-conceptions. In this section we situate these two policies within a broader theoretical framework that explicitly considers structural violence and the state.

security is firmly entrenched in the Western liberal tradition of cosmopolitan ethics (Irwin, 2001: 5). This tradition also finds echoes in the United Nations Development Program *Human Development Report* of 1994, the United Nations Charter and Universal Declaration of Human Rights (Irwin, 2001: 5) and even in the work of organizations like the Red Cross dating back to the nineteenth century (McRae, 2001: 16).

Human security is not without limitations and weaknesses. For example, the priorities emphasised in this framework (human rights and individual security) may be understood as limited or ‘narrow’ given that there are other forms of security deserving of protection. As the United Nations *Human Development Report* itself stressed, economic security and food security are just two other critical areas of concern (Irwin, 2001: 6). Other trends threatening human security as pursued by Canada, or as pursued by a range of countries through multilateral institutions, include: the asymmetrical character of the ‘new world order;’ the potential of the rapid spread of conflict; and neoliberalism and neofascist movements in countries of the first and former second worlds (Nef, 2001: 28-34).

Not least, in the post-September 11 period, the U.S.-led war on terrorism has brought out new practices for circumventing human security as ‘placed’ most dramatically and overtly in Guantanamo Bay but also through rising practices of extraordinary rendition with the often hidden assistance of a host of countries (Amnesty International). To the extent that the (re)turn to torture has been advanced or condoned by countries formally committed to liberal democratic norms like the United States, or even publicly justified by elites in such countries in the name of combating terrorism (consider Harvard law professor Alan Dershowitz) , this represents a contemporary

threat to human security. We suggest that this particular form of human

asserted that multiculturalism masked tangible or ‘real’ social and economic inequalities (Peter, 1981; Moodley, 1983), transforming class issues into ‘ethnic’ ones (Ramirez and Tascheau, 1988). Others elaborated that the policy of multiculturalism functioned to maintain the status quo by co-opting those interpellated as ‘minorities,’ though this position was subject to debate given that minorities themselves were responsible for demanding the policy and were supporters of it (Abu-Laban and Stasiulis, 1992: 368-369).

Such older debates find an echo in more contemporary debates between liberal and Foucauldian thinkers. The liberal perspective, exemplified in the work of Will Kymlicka, has been particularly privileged in the more contemporary debate surrounding multiculturalism in the Canadian and international academy. For Kymlicka (1998), multiculturalism has been and continues to be an effective model for accommodating the demands of “immigrant minorities” for inclusion. In addition, those advocating a liberal perspective have been particularly preoccupied with countering liberal detractors by demonstrating or proving that the group-based claims of multicultural discourse are in fact consistent with the values underscoring liberalism. Foucauldian-inspired genealogical analyses are illustrated in the works of Richard Day and Eva Mackey who engage in a more critical assessment, suggesting that state policies of multiculturalism are disciplinary regimes embodying the “...the modern will to rational-bureaucratic microcontrol and domination” (Day, 2000: 208). Further, Mackey argues that what really lurks behind the liberal multicultural mythology of tolerance, accommodation, and the celebration of diversity is the dominant white Anglophone Canadian culture and identity (2002: 5). Such different interpretations help in part to

explain the continuing debate about whether multiculturalism and anti-racism are even compatible (See for example Fleras, 2006).

Reflecting the subordinate funding and status of the actual policy within the federal bureaucracy, in practice, multiculturalism has been at best incremental, serving to variously celebrate and/or manage Canada's contemporary diversity as a settler-colony marked by repeated, and continuing, waves of immigration. In fact, the limits of official multiculturalism can be seen in the uneven state response concerning redressing historic instances of group harm (and human insecurity) that predate the institutionalization of the policy in 1971 (see James, 1999). Within the dominant multicultural discourse, as expressed either through state policy, or liberal accounts, it is hard to "explain" Maher Arar's story as anything other than anomalous, or an exceptional (albeit embarrassing and tragic) mistake in Canada's post-1971 polity. The very dramatic questions this case could raise when actually considered alongside liberal multiculturalism may help to account for a general tendency on the part of policymakers to mainly discuss this case in relation to legal discourse/laws.

To sum then, we suggest that both dominant scholarly and policy discourses of human security and multiculturalism share similar limitations in terms of their capacity to either narrate or explain the complexities of Maher Arar's story *and* the context informing its boundaries. As noted, many discussions of human security, individual rights and more broadly the 'rights revolution' do not (and can not) fully address 'new' technologies and rationales of and for security that are in fact responsible for profound insecurity (such as practices or justifications for torture in the 'war on terror'). And, the liberal discourse of multiculturalism and Canada's official policy, as exemplified in the

ongoing debate about its relationship with antiracism, is not sufficiently sensitive to forms of racialized violence — whether historic or contemporary. We suggest that a better framework for understanding how and why the Canadian state was implicated in Arar’s ordeal (and by extension the liberal multicultural state) would take structured forms of violence or, put differently, social practices of violence, explicitly into account. In short, the liberal multicultural state can not be understood apart from rights *and* from violence.

Violences of Torture, Racism and Exception

While Galtung’s original framing of ‘structural violence’ – any constraint on human potential due to economic and political

citizenship itself is implicated in the reproduction of social practices and structures of violence, but also how citizenship may be an expression of them as well. In the context

observation one step further, suggesting that the existence of a space devoid of law is, in fact, necessary to, or constitutive of, the legal order itself. In addition, of particular importance to our discussion of Maher Arar is Agamben's notion of *homo sacer*, where a state of exception functions to delink an individual from his/her political and legal subjectivity by effacing his/her citizenship (Agamben: 3). Situated within this broader global historical trend, the positioning of Arar's story as either a legal one or an exceptional one is misleading.

The violence of racism also deserves greater theoretical consideration than afforded in much multicultural and/or human rights literature in or on Canada, because arguably the liberal multicultural state may be viewed as a particular articulation of what Goldberg terms 'the racial state'. Goldberg explains that in opposition to naturalist racial regimes which continue to see race as deeply significant, historicist regimes, in varying ways, insist upon racelessness, where the historical effects of racial domination are deemed ultimately insignificant (Goldberg: 204). Consequently, the shift to racelessness, or even a shift to a framework of ethnic pluralism in official multicultural discourses, has made it more difficult to draw any causal connection between colonial and racist legacies and contemporary racialized inequalities (Goldberg: 218). As Goldberg explains,

Racelessness is the neoliberal attempt to go beyond – without (fully) coming to terms with – racial histories and their accompanying racist inequities and iniquities; to (ulation of)3aya2e0.001nc(5a it8.6(wit us)0.

Goldberg also explicitly addresses violence, asserting that it is "...the dispersal throughout the social of arrangements that systematically close off institutional access on the part of individuals in virtue of group membership, and...render relatively hidden the very instrumentalities that reproduce that inaccessibility" (Goldberg: 131). As such, violence also involves the refusal to acknowledge the sources of inaccessibility, "...attributing them through the forces of racial subjection to the individualized or group capacities or the relative absence of those who lack access" (Goldberg: 131).

To the extent that the Canadian state works to maintain social and economic stability, it is tenable to suggest that the state and institutions of the state operate according to an inherently homogenizing logic or rationality. As a membership organization, the state is the complex expression of the links between the rules for inclusion and exclusion, governing mentalities/ rationalities, the law, and ultimately the definitive articulations of stability – discourses of security and insecurity. As Goldberg tellingly suggests, "The modern state has a legacy of turning violence into injury, historical wrong and its memory into legal redress, reconciliation, and reparations. Those states of unspeakable historical experience are metamorphosed at the hands of states and their agents into representable conditions, manageable states of a few of group

U.S. Immigration and Naturalization Service officials of being a member of al Qa'ida, and then deported to Jordan and ultimately to Syria.

Tortured in Syria (and hence serving as an example of American practices of extraordinary rendition rather than merely 'deportation') Arar remained in Syrian prison until October 5, 2003, his release coming under considerable pressure, particularly from

apologies³. In the end, the apology of the Government of Canada would ultimately be delivered by one of the same people who branded him a terrorist and cautioned the previous government against seeking his release. While the apology from the Canadian government would be accompanied by a compensation package of 10.5 million dollars, an apology from the United States and Syrian governments would never come.

Prime Minister Stephen Harper's apology on behalf of the Government of Canada

(*Analysis and Recommendations*: 10). In addition to stating emphatically that "...there is nothing to indicate that Mr. Arar committed an offence or that his activities constitute a threat to the security of Canada." (*Analysis and Recommendations*: 9), Justice O'Connor found that the RCMP provided American authorities with inaccurate information in ways that did not comply with RCMP policies on screening for relevance, reliability and personal information (*Analysis and Recommendations*: 13). Moreover, the RCMP provided American authorities with information without attaching written caveats, increasing the risk that the information would be used for purposes of which the RCMP would not approve (*Analysis and Recommendations*: 13). The RCMP also had no basis for labelling Mr. Arar and spouse Dr. Mazigh "Islamic Extremist individuals suspected of being linked to the Al Qaeda terrorist movement", and it is very likely that American authorities relied on the information provided by the RCMP to make their decision to remove Arar (*Analysis and Recommendations*: 13-14). In addition, the Department of Foreign Affairs and International Trade erred in distributing a summary of a statement made by Mr. Arar while in Syrian custody given that the statement was likely a product of torture (*Analysis and Recommendations*: 15). This contributed to the further tarnishing of Mr. Arar's reputation and subsequent case, particularly given post-October 6, 2003 government reports that downplayed the mistreatment and torture of Mr. Arar, and leaks to the press by Canadian officials of confidential and inaccurate information (*Analysis and Recommendations*: 16). In addition to some of the findings listed above, the commissioner made twenty-three recommendations arising from the factual inquiry. While the "Factual Inquiry" that cleared Arar was reported on September 18, 2006, Arar

would wait over four months before he would receive his official apology from the Canadian government.

Despite the 2007 apology given by the Prime Minister of Canada, Arar still (as of October 2007) remains on a watch list in the United States. Arar's presence on the U.S. watch list suggests that even after clear official recognition in Canada that Arar was an innocent man wrongly accused, notions of "guilt" continue to haunt him. Drawing from discussions in the Canadian House of Commons and in four key Canadian and American newspapers between September 2002 and January 2007⁴, in this section we trace how

Citizenship - Deportation to Homecoming

From the beginning, Arar's status as a "Canadian citizen" was met with qualifications. In a total of 35 articles pulled from this period less than half (16) utilized the word "Canadian" as a noun, or the term "Canadian citizen" in the headlines referring to Arar. Alternative descriptors of choice

In this period, the significance of the category “Canadian citizen” therefore lies in its tendency to be the descriptor of choice for those stressing Arar’s

parliamentary debates in this period, Arar was invariably referred to as a “Canadian citizen”, a “Canadian”, and strikingly, rarely as a dual citizen or dual national. On the rare occasions when his dual citizenship was addressed, it was only to stress the need for treating all Canadian citizens equally. NDP MP Bev Desjarlais remarked that, “Individuals should not have to apologize if they were born somewhere else or had citizenship of another country, then came to Canada and became Canadian citizens, lived here for years and were active participants in our society.” (Canada, House of Commons, October 7, 2003: 1520). Bill Siksay, NDP, echoed these sentiments, suggesting that it is problematic that “Dual citizens see their loyalty questioned” (Canada, House of Commons, October 19, 2006: 1410).

The clear presentation of Arar as a Canadian citizen was however multifaceted to the point of ambivalence. On the one hand, the discourse stressing his ‘Canadian-ness’ functioned to legitimize his presence and concerns in public discourse by simultaneously rejecting the consequences of a focus on dual nationality that posited Arar as the Other, as somehow less Canadian, hence less legitimate and less in need of protection. In this reading, Arar as a Canadian citizen stresses the ideals of equality of citizenship. However, simultaneously at play here was th

Minister of Foreign Affairs Bill Graham remarked that the government would respect the case of Arar as it respects “the cases of all citizens” (Canada, House of Commons, October 9, 2003: 1440). Then Solicitor General Wayne Easter also extended his sympathies to “...Mr. Arar and his family for what has happened to him as an *individual*...But that happened on the United States soil and that was their decision.” (Quoted in Sallot, Oct 2003: A4 – emphasis added). Here, the understanding of Arar as a generic Canadian citizen functions to disaggregate Arar from a broader, meaningful context, ultimately compromising a discussion of structural violence. This fundamental avoidance was reflected in how the parliamentary debates seldom mentioned the case of Arar alongside the similar cases of Ahmad Abou Al Maati, Abdullah Almalki, Arwad Al-Bouchi, Muayyed Nurredin, and Helmy Elsherief.

In very select instances, linkages were made between Arar’s case and the particularly heightened racialisation of Arab and Muslim people in the post-9/11 context. Then NDP leader Alexa McDonough remarked that “Canadians, *especially* our one

descent...If this can happen to Maher Arar, it can certainly happen to many other Canadians, whether they are Arab or of other ethnic descent.” (Canada, House of Commons, October 30 2003: 1925). On October 26, Mark stated again that “Canada’s reputation is at stake. Canada is known around the world as the protector of human rights.” (Canada, House of Commons, November 6 2003: 1430).

Where in the first period, the significance of the category “Canadian citizen’ lay in its tendency to be the descriptor of choice for those stressing Arar’s innocence, this linkage was not as clear in the period after his homecoming. Despite his characterization as a Canadian citizen, Arar continued to be marked as suspect by some senior government officials. For instance, in the days immediately following Arar’s 2003 return, Solicitor General Easter consistently refused to answer questions regarding if the RCMP provided information on Arar to American authorities. Instead, Easter deflected

2002). Because foreign affairs officials were purportedly unaware of FBI information linking Arar to al Qaeda (Alberts, 2002: A9), former Canadian ambassador to Yugoslavia James Bisset criticized the government for being “indifferent to terrorism” (Bissett, 2003: A14).

On the other hand, American officials, for example U.S. Secretary of State Colin Powell, were quoted for saying that security information about Arar came from Canada (Fife, 2003). In the words of U.S. Ambassador to Canada Paul Cellucci, Arar was “very well known” to Canadian police who “wouldn’t be happy to see him come back to Canada” (quoted in Knox, 2003: A19). It is interesting to note that this statement was quoted, or referred to, in a total of eight articles (close to one quarter of the newspaper articles pulled).

This information served to prompt a different set of exchanges in which the Liberal government was accused of culpability in the Arar deportation, and in which Liberals typically said it was all decided by the United States. Thus Bill Casey (Progressive Conservative) raised the question of “who transferred this Canadian citizen to Jordan and who moved him to Syria;” Liberal Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs) responded this was raised “at the highest level of the United States, including Secretary of State Colin Powell.” Casey also questioned whether “any agency of Canada” gave information to US authorities to which Wayne Easter (the Solicitor General) responded “the RCMP was not involved in the decision made by the United States authorities to arrest and deport Arar” (Canada, House of Commons, October 1, 2003).

The fact that much of this discussion hinged around the presumption of Arar's guilt may go some way in explaining why, as late as October 2003 just days before his release, *Globe and Mail* reporter Paul Knox felt compelled to observe that "suspicion d tals task "whefors

intelligence officer claimed “the war on terrorism is about prevention, so people are being sent to places outside the United States so that they can get information from them.” (quoted in Fife, 2003: A6). Thus, even in the first period of the story, there were clear indications that torture was a key weapon.

Law – Homecoming to Apology

In contrast to the seeming ‘void of law’ in which Arar was positioned during his detainment and torture, the return home for Arar was in many ways marked by the rule of law and due process. The question of law and legality entered into the post-homecoming period in a number of ways. For example, it was implicated in the discourse surrounding the legality or illegality of the actions of American officials, replicating assertions in the previous period that the ‘force of law’ implicated only American and Syrian actions. Despite this, by the end of September 2006, American officials were still saying their actions were justified, with Attorney-General Alberto Gonzales telling reporters that Arar was *legally deported under US immigration law* (Sallot and Freeze, September 20, 2006: A1). In this sense, the American discourse focused on recoding Arar’s rendition to torture as legal – in this gesture, a profoundly illegal intervention gained the full force and legitimation of the law. The rule of law was also implicated in that Arar himself launched legal actions against the American and Canadian governments. The primary focus of this section, however, is the contrast between the void of law in which Arar found himself pre-October 2003, and the commission of inquiry that shifted Arar’s case firmly into the legal realm. Regardless of these shifts, what did remain constant during this period was the legitimating capacity of legal discourse, if not law itself.

From the beginning, the governing Liberal party adamantly rejected calls for a public inquiry, with Solicitor General Easter stating emphatically, “I will not agree to an inquiry.” (Sallot, Thanh Ha and Leblanche, October 7, 2003: A1). By November 5, 2003, demands for a public inquiry were endorsed by the House of Commons foreign affairs committee – with several Liberals breaking ranks and voting with the NDP motion. However, then Prime Minister Jean Chrétien stated that there was no need for a public inquiry because the RCMP Public Complaints Commission was looking into the case (Sallot, November 5, 2003: A1). As late as December 23, 2003, Prime Minister Paul Martin stated that he was leery of calling for a public inquiry because it might compromise national security: “I am going to get to the facts, but I’m going to get them in a way that does not imperil our national security.” (Sallot, November 5, 2003: A1). However, by February 10, 2004, the tone had changed.⁶ The CPC was now attacking the inquiry as a ruse used by the governing party. Rick Casson, CPC, stated the inquiry has taken the issue “off the table so we cannot talk about it.” (Canada, House of Commons, February 10, 2004: 1300). This was echoed by Peter Mackay, CPC, who stated that the inquiry will “put these issues aside until after the election, again avoiding the accountability that is so sorely lacking in the government’s record.” (Canada, House of Commons, February 10, 2004: 1900). Again, as late as June 6, 2005, but perhaps at this point grounded more justifiability, Serge Ménard, BQ, stated, “I am beginning to think the government is creating commissions of inquiry in order to avoid answering questions.” (Canada, House of Commons, June 6, 2005: 1455).

⁶ In particular, the shift coincided with the growing controversy over the RCMP’s raid of journalist Juliet O’Neill’s home.

And while in some ways the narrative above can be read as shifts in political manoeuvring, the period was characterized by marked debates over how and where Arar's case 'fit'. When Arar first returned to Canada, Solicitor General Easter asserted that Arar's case could not be discussed because it involved RCMP "operational matters" (Canada, House of Commons, October 8, 2003: 1430). In October 2003, Foreign Affairs minister Bill Graham also suggested that the Arar file was being transferred to the RCMP as a "police matter" (Fife, October 8, 2003: A2). In this sense, the early move seemed to be to shift Arar's case out of the security/foreign affairs domain to the more individualized domain covered off by the RCMP, evident again in Solicitor General Easter's suggestion that Arar "or any others" could avail themselves of the RCMP's commission for public complaints if they felt "aggrieved". (Canada, House of Commons, October 22, 2003: 1450) The tendency here was also the explicit framing of Arar's case as non-systemic and an isolated event enacted at the hands of individuals. Foreign Affairs minister Bill Graham stated to the foreign affairs committee that we may never find the answers Arar seeks as no one is "going to be able to climb inside the minds of authorities of the United States who made certain decisions." (Fife, November 5, 2003: A1).

Yet, as pressure mounted, Arar's case slowly moved back to the arena of foreign affairs and national security – this time, however, the government stressed the bounds of transparency available in the post-9/11 c

different world that we were prior to September 11. There have been an enormous number of changes into how we have looked at our provisions in law, and in fact, the event of September 11, 2001, has spawned a substantial amount of legislation with regard to security and sovereignty issues.” (Canada, House of Commons, April 16, 2004: 1315).

Undeniably, the tone of the inquiry was deeply imbued in the rule of law. While not adversarial, it was a process stressing the importance of the establishment of facts, adherence to the rules of evidence and to due process, a process weighing the balance of public disclosure against national security concerns, and a process weighing the protection of the rule of law and human security. It is important to note, however, what was taken away from the inquiry. With the report submitted that day, on September 18 2006, Minister of Public Safety and Emergency Preparedness Stockwell Day stated “I

additional seven days of in camera evidence in August 2004, and two days in November 2005. The public hearings began on May 11, 2005 and were completed on August 31, 2005. In October and November 2005, there were three additional days of public evidence. In total, 83 witnesses were heard from over the course of 75 days of in camera testimony and 45 days of public testimony. With the majority of evidence not available to Arar or his lawyers, the inquiry was in a very real way unusual because Arar could not feasibly testify.

Again, while the inquiry and the inquiry's findings do represent a fundamentally important victory for Arar, the process was ambivalent in many ways. In particular, the federal government's very active pursuit of non-disclosure compromised the legitimacy of the process itself. In February 2004, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness Anne McLellan stressed that no information would be made public that could damage the security

1035). For Prime Minister Martin, however, the government's attempts to prevent the judge from releasing a summary of evidence in a national security case "is a *normal* part of the give and take in terms of what kind of documentation should be kept in confidence." (Sallot, December 17, 2004: A10 – emphasis added).

Consequently, while the inquiry and the positioning of Arar's case within the

story can tell us about the contemporary Canadian state, which is committed to human rights (in the form of human security and liberal internationalism abroad, and multiculturalism and liberal individualism domestically).

Our (re) telling of Arar's story highlighted how important dualisms were at work in both the media coverage and parliamentary debates covering his case. First and foremost was the dualism introduced around guilt versus innocence. Additionally however, we highlighted two other important dualisms: Arar's status as a Canadian versus Syrian citizen, as well as that between the rule of law and the force of law. We would suggest then that the shifting meanings of citizenship and law need to be engaged by those seeking to defend or expand human rights in the form of human security or multiculturalism. More specifically, the consequences of our findings for those doing work in the area of human security and/or multiculturalism underscore the relevance of understanding the state in relation to structural and racialized violence, and its expressions both at home and abroad. As the Arar story suggests, such violence necessarily tempers the meaning of rights (whether in the form of human security or multiculturalism) and necessarily complicates what is meant by 'the rights revolution.'

Coming back to where we started, the fact that the Canadian state did issue an apology and Maher Arar is significant, and reflects on the fact that the spaces of multiculturalism, rule of law, and discourses of exception afford opportunities for individual and collective resistance. As such, if more critical theoretical interventions such as those of Agamben and Goldberg serve to caution against the limitations of accounts of human security or multiculturalism which ignore violence, accounts like Agamben and Goldberg which highlight systemic and structural violence are aided by

considerations of the manner in which human agency and the variety of social forms underpinning different states work in resisting violence. It seems to us that any realistic understanding of the Canadian state —both before and after September 11, 2001— must consider the variable and complex ways that violence is manifested and resisted.

We would also suggest that this kind of understanding that weaves together recognition of violence, and resistance to violence, is central to any realistic discussion of human rights and human security — both before and after September 11, 2001.

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