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Civic Education in the Post-9/11 Security State: Liberal Values, Patriotism, and the Case
of Omar Khadr

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Abstract

This thesis concerns itself with civic education, specifically, the creation and education of citizens in a liberal democratic society, in the modern context of the “post-9/11 security state”. This thesis explores some of the issues that threaten the proper democratic education of young people, using the example of Omar Khadr as a case study and point of reference. This thesis argues that the security state provides a dual pedagogical function, acting in the broad public sphere and also in the classroom, and the specific lessons of this pedagogy are a cause for concern, especially in regard to the racialization of Muslims and their internment and torture. Civic education models such as patriotism and citizenship as shared fate are considered as possible models for providing young people with the civic skills they need to become citizens capable of addressing and, hopefully, redressing these problems.

Abstrait

Cette thèse se concerne avec l'éducation civique; c'est-à-dire la création et l'éducation des citoyens dans une société démocratique, dans le contexte moderne nommé “l'état de sécurité après le 11 septembre”. Cette thèse examine quelques problèmes qui posent un danger à l'éducation civique des jeunes en utilisant le cas d'Omar Khadr comme exemple et point de référence. L'argument présenté est que l'état de sécurité offre une double fonction pédagogique: dans le discours public et dans la salle de classe. De plus, les leçons de cette pédagogie sont inquiétantes, surtout en ce qui concerne le phénomène de la “racialisation” des personnes musulmanes et leur internement et torture. Des modèles d'éducation civique dont le patriotisme et la citoyenneté comme destin partagé sont considérés comme des

possibilités pour donner aux jeunes les outils dont ils ont besoin pour adresser, et, possiblement, redresser, ces problèmes.

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Civic Education in the Post-9/11 Security State: Liberal Values, Patriotism, and the Case of**Omar Khadr****The problem/dilemma of the thesis**

Contemporary philosophy of education has focused on the question of whether state supported and regulated educational policies can seek to create virtuous citizens while also respecting the fundamental liberal values of freedom and equality for all. To be sure, this is not the only question of philosophy of education scholarship, but it is indeed a pressing one, and much attention has been paid to it. According to this philosophy, citizenship is an educational concern because, ideally, it is partly through citizenship education that students learn to uphold liberal values and apply it to their lives as liberal democrats. As Eamonn Callan (1997) puts it: “Free and equal citizenship is ... about the kind of people we become, and the kind of people we encourage or allow our children to become” (p. 2). A problem arises, however, because of a tension that exists between the educational task of promoting civic virtue —those qualities of character that are essential to good citizenship— and the need for state supported educational policies to respect individual freedom and equality.

Importantly, the problem is grounded in facts about religious and cultural diversity that characterize contemporary pluralist democratic societies. In pluralist societies, a significant number of citizens’ hold views about the greater social good and justice that are inflected by their deep commitment to religious, cultural, or moral traditions or doctrines. For instance, Canada is an example of a pluralist society due to its commitment to multiculturalism and multicultural education. In addition, citizens in pluralist societies adhere

to diverse and potentially conflicting doctrines. As a result, any form of civic education that is designed to promote a particular set of character traits or civic virtues risks illegitimately infringing on the doctrines of some citizens.

These facts about pluralism give rise to potentially conflicting educational challenges. Firstly, because political institutions, including schools, must be places where students are free to determine their own lives, choices, occupations, and beliefs, a particular doctrine or set of ideas cannot be imposed on them. In short, a liberal society worth its name must be committed to fostering the autonomy and freedom of its youngest citizens. This means allowing students to explore the range of different religious and moral doctrines that characterize the diversity of their society, so they may choose the ones that suit them best. As such, it is often thought that, an education that promotes a particular set of ‘civic virtues’ in young people is prohibitive to the full development of their autonomy because it places the state on the side of some particular ‘doctrine’ about virtue and above all others.

On other hand, as noted above, democratic political institutions cannot flourish on their own simply as a fortunate byproduct of teaching students the skills and capacities associated with critical thinking and autonomy. These skills and capacities need to be consciously and intentionally fostered through democratic institutions, including schools. The reason, as Callan (1997) says, is that, when the supply of citizens who possess such civic virtues is scarce, then “the institutions of liberal democracy seem poised for collapse ... because the shared public morality that once enlivened them has vanished, and therefore, they survive only as a pointless system of taboo or a *modus vivendi* among antagonistic groups who will support it only so long as support serves their interests.” (p.2). Callan’s point is that

the goal of teaching students to become autonomous critical thinkers is necessary, but not sufficient to ensure the stability of democratic political institutions over time. Teaching students to be autonomous can be successfully accomplished while leaving those students indifferent or even hostile to democratic values and projects that are needed to strengthen and support the institutions of society as a whole. If this happens, then the result may be the degradation or even the (probably gradual) collapse of democratic society. In short, democratic politics cannot survive if state education policy is indifferent to, or unaware of, the ‘civic virtues’ its citizens need to make democracy work. Pluralist liberal-democracies can only flourish when citizens possess the civic virtues that enable them to show appropriate concern and respect for their fellow citizens whose religious, moral, and cultural beliefs, attitudes, values and commitments conflict with their own. In this light, an education aimed at promoting civic virtue seems essential for the flourishing, or even the survival, of democratic politics.

To summarize: the problem of liberal-democratic education and what philosophers of education have struggled with is the following dilemma: on the one hand, democratic politics seems to require an education devoted to some conception of civic virtue. On the other hand, liberal values of individual freedom and autonomy seem to prohibit or at least severely limit the state’s legitimate authority to shape the character of citizens in accordance with any particular conception of civic virtue. In short, a liberal-democratic society seems to include fundamental principles that both require and prohibit the same thing—a form of citizenship education that seeks to foster democratic civic virtues. Much of contemporary philosophy of education has been devoted the task of trying to find a just balance between the two horns of

this dilemma. This thesis is an attempt to address this dilemma within the context of a particularly urgent and troubling phenomenon , which I refer to as the rise of the security state in the post 9/11 world.

The rise of the security state

By security state I mean the state that has been created by a complex interaction between the popular media, courts, and governments after the attacks on the World Trade Centre and the Pentagon of September 11, 2001, and within the context of the Bush administration's War on Terror. That is not to say that this security state emerged out of nowhere once the towers fell. In effect, many of the features of the security state, which will be described in Chapter 2, existed before 9/11. Nor it is to say that the political nature of Canada and the United States was a perfect liberal democracy before 9/11. This thesis, in examining the "post-9/11 security state" , looks at certain developments or trends that happened North America after the World Trade Centre attacks.

The goal of this thesis is not to provide a comprehensive historical overview of the security state. Nor is it my goal to debate the existence of the security state. Rather, the purpose of the present paper is to sketch out some salient features of the security state and to apply them to principles of liberalism, in order to demonstrate how the theories of liberalism are being subverted by some of the practices of national security.

The security state is defined by its ideological prioritization of the security of the many over the liberty of a few. This is evidenced by the centralization of state power and the creation of a culture of fear, as Young (2003) explains: "we are to accept a more authoritarian

and paternalistic state power, which gets its support partly from the unity a threat produces and our gratitude for protection” (p. 2). This logic of state power in the face of threats is used against citizens and non-citizens within the borders of the nation, and used to justify wars abroad. In particular, those targeted by the current security state apparatus are overwhelmingly Muslim and Arab.

The rise of the security state poses a threat to liberal-democratic citizenship education in part because it seems to be contributing to changes in the political culture that harness civic virtue – the qualities and capacities of character that characterize ‘good’ citizens – to generate an odious form of nationalist bigotry. The threat is, in short, a conception of citizenship (and hence citizenship education) that maximizes the perceived need for civic virtue while minimizing the perceived threats that this conception of civic virtue poses to individual freedom and equality. The post 9-11 War on Terror, and its accompanying Islamophobia, is only the latest instance in a long history of exceptional political events that have fuelled chauvinistic nationalist movements in liberal-democratic societies, creating a state in which liberal values are warped in the name of protection against an outside threat. As Giorgio Agamben (2005) explains, these are: “points of imbalance between public law and political fact” (p.1). The Red Scare and the internment of Japanese citizens in North America during WWII are other representative examples. I argue that a clearer understanding of the present threat is extremely important if liberal-democratic societies are to adequately balance and resolve the competing educational concerns of individual freedom and collective democratic virtue. Failing to address this threatens to subvert the very possibility of a genuinely liberal and democratic citizenship education.

The Khadr case

Throughout the thesis, my discussion makes reference to a particular case, in order to illustrate how the educational problem of civic virtue has changed since the attacks of September 2001, and the rise of associated phenomena like Islamophobia and the War on Terror. This case example is the imprisonment and torture of Omar Khadr by the US government with the tacit or explicit cooperation of Canadian authorities – in order to illustrate how the educational problem of civic virtue has changed since the attacks of September, 2001 and the rise of associated phenomena like Islamophobia and the ‘War on Terror’. On July 27, 2002, Omar Khadr, a 15 year-old Canadian citizen was arrested in the ruins of a compound in Afghanistan after a fight with US troops. At the time of his arrest, he was unconscious and was dragged away from the battlefield. He was charged with throwing a hand grenade that fatally wounded US Sergeant Christopher Speer. In October 2002, he was transferred to the infamous Guantanamo Bay naval base in Cuba, where the use of harsh “enhanced interrogation techniques”, or “torture lite” is commonplace (Williamson, 2012, ix). It has also come to light that his father, Ahmed Khadr, was an Al-Qaeda supporter who had his name on many US suspect lists.

Thus began a long series of legal proceedings, which spanned the incumbency of three Canadian prime ministers and two American presidents. Khadr was given a military trial and a military appeal, and had his legal counsel changed many times. This in itself is problematic, as he was not a soldier of a particular army. Furthermore, Presidents Bush and Obama passed a series of laws which contradicted each other in terms of the rights of US-held prisoners, and their position on the international law surrounding the rights of

prisoners of armed conflict. In essence however, it was well within the power of the Canadian government to request for him to be repatriated and tried in Canadian court. In fact, every other citizen of a Western country who was held in Guantanamo was accorded that right (Williamson, 2012). It is also worth noting that, there was very little information about his trials and the numerous attempts of lawyers and human rights groups to intervene on his behalf were thwarted. As of my writing this thesis, Khadr has been transferred to a Canadian prison outside of Edmonton since September 29, 2012, a full decade after his arrest in Afghanistan. As of the writing of this thesis, his sentence is almost finished; he will soon be released, which will generate a renewed public interest in his case.

The security state, the Khadr case, and education for democratic citizenship

It is important to emphasize that in my thesis I use the Khadr case to serve certain purposes and not others. One of the main limitations of this thesis is that I am not a legal expert. Therefore, while I apply some of the more normative aspects of the Khadr case to a discussion about citizenship and citizenship education, there will not be a great amount of discussion on the finer legal details of the case. For example, I am not concerned with issuing a judgment on the legality of various aspects of the government's role in the Khadr case. Indeed, I am not concerned with rendering a definitive moral judgment on the Canadian or US government's treatment of Khadr. My disapproval of the way he was treated in Guantanamo and the Canadian public's broad indifference to his plight will no doubt be evident in the tone and content of much of what I say. Nevertheless, my main purpose in using this real case is twofold: first, I use it to illustrate in concrete terms some of the broader and larger issues and features of the rise of the security state. Second, I use the

case to introduce and illustrate certain philosophical and ethical tensions and complexities that arise with respect to citizenship education when the liberal-democratic state is taken over by a discourse of national security and safety in the face of a perceived threat; in this case, the threat posed by Islamic citizens and non-citizens.

When reading certain accounts of citizenship education, I could not help but think of Khadr. What of his rights and responsibilities? Where was democracy and all the democratic, virtuous citizens we dream of creating when he was being used as a human mop to clean his own urine in a cell in Guantanamo? In effect, I was wondering where civic education could have had a role in either creating a citizenry that was indifferent to Khadr's plight, or was actually convinced that this was the kind of treatment a 165 year-old Muslim boy deserved. I also maintain the firm hope that civic education can be used to contribute and facilitate a larger conversation about the injustice of Khadr's case. Eventually, I focused my concerns for the purposes of writing this thesis on two related questions:

1. In what ways and toward what ends might the rise of the security state be shaping and changing the political culture of liberal-democratic societies?
2. What are the implications of these changes for democratic citizenship?

In order to address these questions, I distinguish between two different educational aspects of what I refer to as the rise of the security state. First, there is the informal educational role by which the security state might be contributing to changes in citizens' attitudes and behaviours. In this sense, I suggest that the security state serves in part as a mechanism of public pedagogy through its spread of a distinctive political rhetoric,

reasoning, and institutional functioning. Importantly, I am especially concerned here with the potentially anti-democratic and illiberal educational effects of the security state.

Second, I also discuss the more formal educational implications of the security state. Here my focus is on curricular and pedagogical issues in schools and particularly state supported schools. Since their inception in the 19th century, public schools in Canada, the US and other Western liberal-democratic societies have been charged with the task of promoting the skills, capacities, and virtues associated with democratic citizenship. In this thesis, I examine how the rise of the security state poses a new and distinctive set of problems for civic education in democratic societies, and part of my task is to identify more clearly what these problems are. In short, I believe the case of Omar Khadr case helps to illuminate a terribly troubling moment in Canadian history in which citizens are being taught a specific set of values that run counter to some of the fundamental tenets of democratic education. This is not to say that this specific miseducation is the first time that students have been forced to swallow a particular doctrine, but rather that this kind of concern is one which is only now being brought into debates about education. This thesis is looking for a way forward in these circumstances by clarifying the threat that the security state poses to democratic citizenship, and by identifying some of the ways in which public schools may respond to this challenge.

The structure of the thesis

In Chapter 1, I take a philosophical perspective, examining the basic principles of liberalism, especially as they relate to considerations of justice and political stability. I argue that while both of these values are highly important to maintain a functional liberal

democracy, there is a compelling case to be made that through the operations of the security state there has been a political push to emphasize and prioritize stability over justice. The Khadr case usefully illustrates this point, since the apparent injustices visited upon Khadr demonstrate quite clearly the mechanisms of the security state in action.

Chapter 2 examines the rhetorical and sociological moments in which the national quest for security steamrolled over justice, namely the justice due to people of Muslim and Arab descent during the War on Terror, particularly in the context of the Kahdr case. The second chapter adopts a sociological emphasis in order to explain how the shifts and imbalances at the level of philosophical principle, examined in Chapter 1, are reflected in and reinforced by a certain discourse about citizenship in a ‘security state’. The argument here is that the security state is a reality of the 21st century, and this has educational implications both inside and outside of the classroom.

The final chapter concentrates on one specific educational dimension of the developments examined in the first two chapters; namely, recent debates about the ethics and politics of patriotic education in democratic societies. The concern here is whether the current interest in patriotic education contributes to the problems associated with the security state, or if it can be used to create citizens capable of taking democratic action against the security state.

Politics and the education system are not completely separate entities. What happens in the political sphere has direct and immediate effects in education, and sometimes these ramifications, as this thesis will demonstrate, can be insidious and complex. As the theorist Michael Apple (2008) states: “education must be seen as a

political act” (p. 241). I would argue that the inverse is also true: politics is an educational act. It stands to reason then, that the politics of the time are reflected in our formal educational structures. In turn, the political education we receive both inside and outside the classroom influences how we come to understand the role of the political sphere and our place within it as citizens. Therefore, the question I have in mind throughout the rest of this paper is as follows: What are the educational impacts of security state politics as demonstrated by the Khadr case, especially in regard to citizenship education?

Chapter 1: Liberalism, Civic Education and Omar Khadr: What Right Do You Have to Rights?

The purpose of this chapter is to serve as a theoretical framework for a discussion of the implications of civic education within the Omar Khadr case. One of the core arguments of this thesis is that the Khadr case vividly illustrates broader, ethically troubling developments in wider political culture. Essentially, I claim, the developments in question have over-emphasized threats to social stability in ways that not only undermine important principles of social justice, but which serve to make it more politically acceptable and palatable to sacrifice justice in the name of collective security. In particular, the Khadr case highlights the role of two important elements, or mechanisms, in this larger, and complex social process — the creation of a security state and the associated deployment of Islamophobia as an ideological pillar to support the entrenchment of this state. By viewing these developments as fundamentally educational ones —that is as moments in which the mechanisms and institutions of the state and civil society are mobilized to shift citizens' understanding of the necessary balance between principles of individual liberty and collective security— my examination of the the flagrant injustices of the Khadr case illustrates why there was such a comparatively small public outcry at his treatment.

Most importantly, I emphasize how this process of public citizenship education has profoundly anti-democratic implications since it necessarily involves desensitizing students to the importance of individual liberty as a key dimension of democratic legitimacy while simultaneously exaggerating and amplifying sensitivity to so-called security threats. The result is a conception of citizenship education that aims at promoting a specific sort of civic vice

rather than civic virtue—that is the vice in which citizens are encouraged to support unwarranted violations of individual liberty (for at least some citizens, since factors like race are an important consideration), in the name of exaggerated and inflated claims of national security. The Khadr case, I suggest, exemplifies this phenomenon, and an analysis of this case helps to distill the main factors at work in the process of civic educational distortion within the security state.

The Khadr case presents an important philosophical problem that occurs when public safety and social cohesion—that is to say, the unity of a people within the borders of a state—become concerns of such high importance that individual liberties are forsaken. Indeed, an important feature of a correctly functioning democracy is its ability to manage the tensions that arise between these two different sets of core principles; on the one hand, the fundamental rights and freedoms of individual citizens and, on the other hand, principles associated with securing the collective good of the political union. Arguably, the most important task of education for democratic citizenship involves equipping young people with the skills they need to participate in political life in ways that promote and maintain a just balance between these competing sets of principles. Within healthy democracies the constitution, electoral system, judicial system, security apparatus, as well as the educational system should both individually and collectively take the corrective measures necessary to properly re-align these two competing sets of rights if they are perceived by the citizenry to have moved too far in either direction.

Human rights are an integral component of liberal theory. The rights which we

granted by the governing bodies of our state are what keep our society stable, by ensuring all citizens have the same freedoms, thus making them equal. Furthermore human rights maintain the legitimacy of the state. Callan (2000) explains that: “A liberal conception of legitimacy should be crafted to protect the many lives consistent with the basic rights of others that people choose under conditions of pluralism” (p.150) . With this quotation in mind, it becomes clear that there are few grounds in liberal theory on which it would be admissible for a state to revoke or ignore the rights of a citizen. From a liberal point of view then, this means that violating the rights of an individual in the name of political security is a grave concern. Why is it then, that in practice, and especially in the practical context of the Khadr case, there was such a blatant disregard for Khadr’s rights on the part of the state?

One of the principal reasons the Canadian government has given time and again in response to growing public concern about Khadr’s treatment is that he, and others suspected of terrorism, pose a threat to public safety. In other words, they threaten the security of the many. At the same time, Khadr’s treatment in Guantanamo raises serious concerns about torture and therefore the violations of individual human rights. More specifically, this raises concerns for Canadians about the complicity of their government in the torture of one of their fellow citizens. This puts the case right in the centre of the age-old debate about the rights of the individual in relation to the stability of the greater collective. Clearly a shift is occurring wherein the basic human rights of one person are deemed expendable enough if it means that the larger polity will be safe. The question that leaves us when examining liberal theory can therefore be posited as such : What are the grounds in liberal theory, if any, in which it was permissible for the government to revoke Khadr’s rights? Another question, and a very

important one, is the question of in what context is the privileging of political stability or security justifiable? In other words, what are the legitimate grounds on which a state may infringe upon individual freedoms in order to ensure political stability?

These questions raise concerns about the purpose of democratic society. If the primary concern for a liberal democracy is the greatest amount of overall happiness then some infringements on the liberty of certain individuals may be permitted. Even if torture is used, the greater happiness of the majority can be used as justification. However, there are a number of problems with this view. One major problem is that it makes political security dependent on the feelings, and hence potentially the prejudiced and even bigoted views, of the majority. In societies where racism and xenophobia are present this is always a worry. Khadr is Muslim and the political discourse surrounding 9/11 led to a widespread public concern, fuelled by media and governments alike, about Islamic terrorism. Therefore, we have reasons to worry that grounding policies designed to increase public safety and security on utilitarian grounds, that is, the desires or preferences of the majority, may lead to racist and xenophobic policies that are clearly and deeply illiberal. This is indeed the major concern of liberal political philosophy: how to limit the state authority so that concerns about public security, stability and safety can be met without illegitimately violating individual freedom? So, the philosophical question is this: if we cannot base concerns about political stability on people's preferences, happiness, or other measures of overall utility, then what can we base it on? The answer, while deceptively simple, is that we have to base political stability on a system of justice.

1.1 Liberalism, Civic Education and Justifications for State Authority

While much ink has been spilled on the difference between “classical” liberals, “new” liberals, “neo” liberals, etc, the core ideas of liberalism are based on a cluster of values such as individual liberty, equality, social solidarity and similar. These concepts are quite abstract, and can be interpreted in different ways. The purpose of this chapter is to offer some clarity on their real-world application using the concrete example of the Khadr case. The main liberal value which I mean to draw attention to is liberty. Liberalism, by its very name, places a high emphasis on liberty, and is deeply concerned with the moments in which liberty is curtailed. While other values, such as social justice and democracy, are important and merit considerable consideration in a liberal state, the crux here is that within a liberal democracy liberty must only be infringed upon for very compelling reasons. Most importantly, these reasons ought to ensure the freedom of others, and to ensure the political stability necessary for all citizens to have an equal amount of liberty. Therefore, it becomes the duty of any governing body or figure of authority to justify any curtailment of liberty. Gaus & Courtland (2011) write that:

freedom is normatively basic, and so the onus of justification is on those who would limit freedom, especially through coercive means. It follows from this that political authority and law must be justified, as they limit the liberty of citizens.

Consequently, a central question of liberal political theory is whether political authority can be justified, and if so, how (p.2).

Brighouse (1998) has an answer to the “how” part of this question, as he argues that: “States

must maintain the ‘free and actual’ consent of the people” (p. 721). This means that consent to be governed must not only be given, it must be given freely, and it must be given frequently. There must be a system in which citizens who believe in different versions of a greater social good, are able to consent to be governed by their state.

1.2 What is Liberty? Balancing Justice and Stability

Finding the right kind of equilibrium in a between stability and individual freedom is important because it ensures that the state is both just and legitimate. Callan (2000) puts it quite neatly: “legitimacy and justice are commonly taken to be the defining normative commitments of liberal democratic government” (p. 141). That is, that in order to fulfill these commitments, the state must espouse certain values that promote the education of a citizenry in who are amenable to the promotion and accomplishment to these goals. Callan (2000) explains: “In a word, the point of liberal legitimacy is to forestall the oppression that free and equal citizens are properly motivated to eschew in the design of basic political institutions” (p. 149). In other words, if we assume that democratic institutions are designed to minimize oppression, a legitimate state will participate in the creation and education of citizens who are committed to maintaining this minimal amount of oppression while also maximizing justice. This, of course, is most possible in a state that is a stable political environment.

While justice and stability are two distinct notions, they have significant overlap in how they mould the social structure. As Cole (2002) explains: “liberty and security are not necessarily mutually exclusive values in a zero-sum game. Liberty often plays a critical role in maintaining security. One of the justifications for guaranteeing political freedoms is that a

free people are less likely to be driven to extreme violence” (p. 956). This is a key point because it stands in contrast to the utilitarian view that security, and the occasional infringement of liberty it may require, is necessary for the protection of the happiness of the majority. Here, Cole is suggesting that stability is necessary in the maintenance of liberty, which is quite different than suggesting that people’s happiness is the yardstick by which to measure stability. Of course, there has to be some give and take; a bargaining of sorts needs to take place in order to maintain political freedoms and individual freedoms, and to minimize violence.

In other words, there must be a stable system in place in which competing conceptions of the good can be debated, all the while maintaining a normative amount of freedom and equality for all citizens. Within increasingly multicultural or plural societies, this is a pressing and current concern. Merry (2012) describes pluralism as “the condition of multiple value systems inhabiting the same political space” (p. 373). These value systems can sometimes exist peacefully, but it is also possible to assume that they can come into competition, or even direct conflict. In the modern context, and particularly in the Khadr case, the debate becomes one of Muslim versus more “typically Western” values. Of course, this simplifies a huge spectrum of ideas on both sides of the debate, and is therefore a gross over-generalization. Nevertheless, the state and media set up the debate in these terms, and it is useful to work within those parameters. Therefore, the question, as Merry sees it, is this: “how much pluralism can states accommodate and still retain the social cohesion necessary to function as a state?” (p. 373). Here, we can understand the term “social cohesion” to be synonymous with social stability. The question posed by Merry can even be extended to ask

whether or not the Khadr case presented a danger to the social cohesion necessary for the state to remain functional. More specifically, if the state's response to Khadr's arrest, and the accusations lobbed against Khadr were warranted in the name of social cohesion. If it can be agreed that Khadr's identity as a Muslim did not pose such a great threat to Western values as to merit the treatment he received, then surely there must be another reason to explain as to why his capture and internment took place.

There is some nuance to be attentive to here. Merry (2009) explains: "some measure of social stability is a reasonable political good. The freedom to dissent may regress into anarchy and anomie if not balanced by a core of central ideals or beliefs shared by a critical mass of citizens" (p. 390). In this case, even if stability must be maintained in the name of preserving liberty, there may be possible instances in which an infringement of individual liberty may be necessary, such as to stave off anarchy or anomie. If political safety is the issue, then regardless of Khadr's guilt or innocence, it is highly doubtful that whatever value could be gained from the state's covert and violent treatment of him would outweigh the injustices committed against him. If anarchy and anomie are a real concern, then it seems as though the state's treatment of Khadr in this case is far more significant than his crimes, whatever they may be. If the individual rights of citizens can be sacrificed whenever a citizen from a particularly vulnerable or demonized minority commits a crime, then those rights are highly fragile and vulnerable to the whims of a given government. This is an unsatisfactory recipe for political stability since the sanctity of a given set of rights can change with the outcome of an election.

While it is impossible to quantify the amount of cohesion that is necessary to for

a state to function it is possible to examine the Khadr case in light of the question above. I shall argue that although social cohesion is an important value in a liberal society, there are powerful reasons to doubt that the extreme measures adopted in the Khadr case can be justified on these grounds. Importantly, these arguments have profound implications for citizenship education. Public schools are one of the most important institutions within which students are taught the virtues and capacities needed in order to maintain and strengthen social cohesion. Such virtues and capacities are important components of democratic civic education. Nevertheless, the main lesson to be drawn from the Khadr case is that the measures adopted by the state should be viewed as themselves a severe threat to the long-term stability and cohesiveness of a diverse society. As such, the public arguments employed to defend the state's response to Khadr are based on a deep misunderstanding of the value of social cohesion in a diverse liberal society. As a result, there is a need for educators once again to respond critically and aggressively in order to challenge and criticize arguments and views that are quickly gaining currency in the wider political culture.

In sum, the purpose of the chapter up to this point has been to show that a liberal theory of political legitimacy is grounded in the principle of individual freedom. In contrast to a utilitarian view of liberty, which sees it as a means by which to maximize the happiness of the majority, liberals see freedom as a political necessity in that it maintains equality and promotes justice. This individual freedom is an important component in maintaining both the stability and the legitimacy of the state in that it prevents the state from being overthrown into a state of chaos. In terms of education, this means that certain attitudes and skills need to be established in classrooms in order to have individual people who are committed to taking

steps to ensure that individual liberties are preserved. This idea merits more explicit discussion

1.3 Legitimacy and Civic Education for Autonomy

A key feature of a liberal conception of political legitimacy is the concept of reciprocity. As Simone Chambers (2010) explains, contemporary liberal political theory emphasizes an interactionist theory of justification of power and coercion; that is one that is based on an over- arching idea of “justification to the other” (p. 895). In other words, the justification of a law or political policy must be based on principles that could be justified to other reasonable citizens, even if these citizens disagree about the good. This means that laws must not only be justified to the vague notion of the citizenry but to the particular others or groups who will be substantially affected by the laws or policies in question. The classroom is one of the spaces in which citizens are given the opportunity to understand what giving their consent to be governed means is the classroom.

If we understand political legitimacy in these terms of interaction or justification, then it becomes clear that political education is all the more necessary. Human beings are not born with an innate capacity to engage in reciprocal justification, and in effect this is quite a complex cognitive and social skill involving some complex reasoning and democratically-virtuous thinking. Therefore, it becomes an important task for schools to ensure that students are able to develop this capacity. If they do not, there is a very real danger of the erosion of the political stability of the state. Again, Callan (1997) serves as a reminder of this danger saying that when citizens fail to develop these kinds of cognitive skills then: “the institutions

of liberal democracy seem poised for collapse” (p.2).

The Khadr case is an illustration of the kind of miscarriage of justice in the terms that this liberal model of political justification identifies as a central concern. Given the circumstances, the secrecy and the misinformation involved, it would strain credulity beyond all reasonable grounds to think that either Khadr or his fellow citizens had the information and opportunities for reflection that are necessary in order to engage in reciprocal justification necessary for legitimizing the state policy. In other words, the state was manipulating the kind and the quantity of information available to citizens. This was evidenced in the fact that he was forced to a military commission trial. As Koh (2002b) explains: “a military commission is not an independent court, and its commissioners are not genuinely independent decision makers” (p. 339). This is especially visible in the fact that, unlike in civilian courts, defence lawyers do not have access to all of the evidence the prosecution has. The point here is that military commissions, unlike civilian courts, are cloaked in secrecy, and often do not behave like a traditional independent court.

This hindered, and in fact probably made impossible the ability for Canadian citizens and Kahdr to be able to engage in the process of reciprocal interaction necessary for determining legitimacy. Chambers (2010) points out that: “a principle of accountability or responsiveness establishes an organization on the part of power holders to give an account of power that can be assed, criticized and challenged, if need be” (p. 897). The point here is that justification to the other is about being able to justify the laws and practices of the state to different kind of citizens, but if the laws and practices of the state are being kept secret from the citizenry then this process of judgement and justification is severely compromised. This

brings us back to the dual educational role of the case mentioned in the introduction. The state was, rather informally, educating citizens on what version of liberal legitimacy it envisioned. Schools, in turn, have also been forced to address this problem.

It is important to discuss civic education in the context of liberal values, primarily because schools are widely considered to be the place where people form an appreciation for these values. Reich (2002) argues that these values are cultivated and brought to the forefront of public imagination when discussing the mission of the public school. In other words, the virtues and values that any given society prioritizes and privileges will be made most explicit in the kind of curriculum it provides to its public school system. He writes that:

I and many others believe it is clear that the political virtues must be developed in schools. Virtues of reasonableness, fairness, civility, tolerance and so forth, are certainly not innate. We are not born with the political virtues—nor, for that matter, with any particular conception of the good. that leaves schools as the only major social institution with the capacity and reach to foster the political virtues. Indeed, education in the liberal democratic state has traditionally been conceived as the main vehicle for creating citizens. A public system of schooling has, theoretically and historically, first and foremost civic purposes (pp. 43-44).

One of the tasks of the education system is to provide students with the space to examine different value systems and be able to critically compare and contrast them. According to Brighouse (1998), Galston (1991) uses Locke's argument that the state's right to educate is based on the need for social cooperation. This social cooperation is not based on a higher

ideal of the good, but rather, on the pragmatic concern that purely self-interested members of an atomistic society cannot function as a collective. In order to have some kind of stable social and political system, some self-interest has to be set aside in the interest of cooperation, even if the benefit of the cooperative agreement is mutually beneficial. Social cohesion is a necessary component of modern societies because without it, there would be an insurmountable conflict of differing opinions. Therefore, from a Lockian perspective, the state is justified in its mission to provide public education in the interest of stability.

Brighouse (1998) articulates a conception of civic education based on what he calls the *instrumental argument* which states that civic education must facilitate, but not impose, autonomy and autonomous thinking. This is the only kind of civic education that meets the needs of a justified liberal state. He explains that:

liberal legitimacy, as described earlier, demands that the state seek the free and unmanipulated assent of reasonable citizens. By conditioning consent without encouraging reflection, the state seeks consent while giving it the wrong kind of character, thus undermining its own capacity for legitimacy (pp. 726-727).

In essence, the only kind of civic education that does not contradict fundamental principles of political legitimacy in a moral liberal state is one which facilitates autonomous thinking. This means that a legitimate education will facilitate autonomous thinking which citizens will in turn use their autonomous thinking to maintain a just and stable state. In terms of justification, this means that the only justifiable civic education which is set up within the parameters of the liberal state cannot coerce autonomy or consent to be governed, it can merely facilitate it.

Brighouse (1998) summarizes his instrumental argument thusly:

The state is charged neither with maintaining its own stability nor with promoting the attitudes and abilities which will make the institutions of the state healthy and just, but with providing prospective citizens with the substantive means to select pursuit of a better rather than worse conception of the good (p. 731).

In other words, Brighouse does not think that political stability is intrinsically good. The only good that stability provides is that it facilitates citizen autonomy. This is a very weak or thin conception of civic education as it assumes that the only possible function that the school can be tasked with is the facilitation of autonomy. It also assumes a kind of neutrality on the part of the state, by assuming that the state's only goal is to facilitate the autonomy of individual citizens.

One reason why the Khadr case, and indeed the security state as a whole, is so problematic is that they extended and iterated a set of legitimizing principles that are tasked with the exact opposite of what Brighouse argues for. They ask citizens to see stability as a social good worth pursuing, not only because it is good, but for *their own safety*. When the Patriot Act, which will be discussed in Chapter 2 in greater detail, was passed, then-US Attorney General John Ashcroft was quoted as saying that the act “provides the security that ensures liberty” (in Sidel, 2007, p. 10). In his words, we see that he assumes that the legislation passed, which allowed for the spying on citizens, among other things, would provide the kind of security needed for liberty to be maintained, and this was seen as a good thing, not only because it would fight terrorism, but because it would keep the citizenry free. The state was therefore “conditioning consent, which is precisely what Brighouse argues against.

One key way that political leaders and the media in the United States and Canada since 9/11 have accomplished this conditioning of consent since 9/11 is by fostering a culture of fear. This process is insidious, and indirect; it seems unlikely that a secret meeting was held to decide to make everyone afraid.

Nevertheless, this process has become actualized, especially in the way in which Muslims are viewed. Cole (2002) explains that fear is dangerous precisely because it is so much more palpable and real than liberty: “It is easy to take liberty for granted and to presume that government powers to intrude on liberty are not likely to be directed at one’s own liberty. Fear affects us all, especially after an attack like that of September 11” (p. 956). This fear has been focused especially on Muslims. Semati (2010) explains that in the post-9/11 context:

the ‘public’ is haunted by the ghost of the Muslim Other. Being spooked suggests both the fear of the irrational and the irrational fear. It invokes the presence of a general ‘ambient fear’ engendered through securitization of everyday life and governmentality devoid of politics. The locus of that fear is ‘brown’ men of the Middle East or the Muslim Other (p. 257).

Therefore, it is reasonable to assume that, in this context, uncritical or uninformed young people (or even adults, for that matter), may well have had their choices and attitudes towards Muslims manipulated in some way. Semati (2010) points to the 2006 incident in the United States which 6 imams were ejected from their flight because some of the other passengers reported feeling afraid. If not for the wider culture of fear that was being

promoted at the time, it seems highly unlikely that religious leaders would be prohibited from flying. If the aim of liberal citizenship education is to promote autonomy, as Brighouse (1998) claims it should be, then presumably it would be a good idea for civic education to critically examine the Khadr case and other cases of Islamophobia in order to ensure that student's conceptions of the good are not being illegitimately manipulated or skewed.

I have just argued that when we consider contemporary citizenship education in light of the Khadr case and broader, related phenomena such as Islamophobia and the rise of the security state, then there is a very strong case for including autonomy among the primary goals of citizenship education in a liberal society. However, even if the promotion of autonomy is an important part of a critical liberal citizenship education, it may not be sufficient on its own to meet the challenges that the rise of the security state poses for a liberal political order. In the following section, I argue that citizenship education needs to go beyond merely cultivating a capacity for autonomy and also foster certain democratic civic virtues.

1.4 Civic Education Beyond Autonomy

In the light of the specific problems posed by security state policies, such as Islamophobia, it seems that fostering autonomy will simply not be enough to counter its dangerous agenda. Therefore, it makes sense to promote certain civic virtues in our classrooms, such as being able to examine other points of view. Civic education must go further than simply fostering autonomy; it must create an environment in which these civic virtues can be actively put into practice. Callan (2004) explains that: "political education

must concern itself with more than what virtue strictly demands of us; it must also seek to establish the general social and psychological conditions in which virtue is likely to prevail” (p. 81). This means that civic education is not only concerned with the theory of political virtue, but the practice of creating a society in which virtuous citizens can engage in political dialogue.

To go back to the Khadr case, a civic education which merely promotes autonomous thinking could feasibly allow students to arrive at a conclusion that his imprisonment was for the greater social good; for, if this conclusion was arrived at autonomously, then Brighouse would consider it a legitimate form of political education. Of course this is a simplification of Brighouse’s argument, but it serves to illustrate the point. Callan, on the other hand, would want students to be educated in such a way as to understand that Khadr’s treatment was morally reprehensible. He asks: “what forms of (mis) education violate the basic rights of children or inculcate group hatred or other attitudes inimical to the most elementary moral responsibilities?” (2004, p. 87). It would seem to me that any kind of education in which Islamophobia is not explicitly discussed as a form of group hatred, is a miseducation of citizens. Indeed, as Callan explains, we should be looking at a conception of civic education that promotes a specific set of civic virtues that purposefully and explicitly address the issues posed by the Khadr case and the security state.

For instance, Gutmann (1995) argues for a civic education that forces students to question the decisions made by the figures of authority which they encounter on a daily basis, such as their teachers or their parents, or more removed authority figures, such as the police. This is a useful skill when, for instance, examining human rights abuses like those that took

place in the Khadr case. This fosters important civic virtues such as an understanding of just and unjust treatment of fellow citizens, as well as an understanding of equality amongst citizens. She explains that: “teaching children to think about social justice entails teaching them that it may be reasonable to disagree with their parents and teachers—and every other authority—on politically relevant matters” (p. 578). While Brighouse (1998) thinks her approach is a little too heavy-handed in some respects, he allows that “it equips prospective citizens with the capacity to challenge those values [that condition consent] rationally” (p. 725). Therefore, even if students are being taught a specific set of liberal values, and, quite possibly illiberal values, the purpose of civic education in Gutmann’s view would be to equip them with the cognitive reasoning skills necessary to challenge these assumed values. Explaining the Khadr case by using this kind of approach, students would be encouraged to think about the justice or injustices of the case, and to feel at liberty to disagree with the governments' actions.

1.5 Wider Implications for the Case and Civic Education

One of the main features that Brighouse (1998) identified in his analysis of liberalism is that a consent to authority—a consent to be governed—must be maintained. He writes: “it must be true that citizens would give their consent if they were reasonable, informed and not overly self- interested” (p. 720). In other words, in order to consider itself legitimate, a state must assume that its citizens have had access to some kind of reasonably unbiased information about the state, and the various ways in which the liberal state strives for justice. This information has out to be presented to them in a way that they have been allowed to think about the values within which the state makes decisions that affect justice. He argues

that: “we need some assurance that those who give consent have had real opportunities to become critical and reasonable citizens” (p. 734). In Khadr’s case, this was not what occurred. He was dragged away from the crime scene while unconscious, and therefore unable to consent to the authority of the military. Afterwards, despite his legal status as a Canadian citizen and as a minor he was denied his rights to legal counsel and to liberty.

Furthermore, his fellow citizens were not given access to fair and accurate information regarding the details of Khadr’s treatment in Guantanamo, or the legal proceedings of his various trials. This hampered their ability to be critical and reasonable citizens in respect to their concern, or lack thereof, for Khadr’s fate. It seems then, that in the light of this case, schools are placed in a unique and potentially powerful position to educate citizens in such a way that they may learn from the the ways in which the government actions could be considered unjust.

Conclusions

Looking at the Khadr case through the lenses of civic education and liberalism reveals a few interesting points. For one, there is no real consensus on what kind of civic education is necessary to create the right kind of citizens for a liberal democracy or even what the right kind of citizen would look like. Furthermore, there is little to no indication of what civic education to address the threats posed by the security state might look like. What is known, however, is that public schools and public schooling for democratic citizenship in the post-9/11 context have a rather momentous, but not insurmountable task ahead of them: education for justice. As Landon (2013) argues: “Schools (like all other social institutions) can be schools of justice where children learn to be equals, or they can be schools of despotism,

where children learn to dominate or accept subjection” (p. 70). Khadr’s case, while an extreme example of a miscarriage of justice, should not become a wasted pedagogical moment, instead, educators ought to be focusing on what the real implications of the revocation of his civil rights have for his fellow Canadians.

Brighouse (1998) would like a civic education to facilitate autonomous thinking. Callan (2000, 2004) sees this kind of approach as too limited. I tend to agree with Callan on this point. If civic education is going to be the tool for democratic redress that it has the potential to be, then certain values, such as equality need to be made explicit and paired with a critical understanding of the consequences of Islamophobia. The point is that in order for the state to be able to return to its liberal roots, students need to be made aware of why and how the state has been made illiberal.

Chapter 2: The Case of Omar Khadr and the Pedagogy of the Security State

Liberal theory is useful in highlighting some of the ethical issues that arise when individual freedom and collective security come into conflict. In this chapter, I make the case that the security state is not merely a philosophical thought-experiment, but a troubling reality of the 21st century. This is not to say that security states are novel inventions. Rather, the point is to contrast some troubling modern developments with the foundational principles of Western democratic liberalism. Furthermore, this security state has educational implications for the citizenry as a whole and within the classroom. The purpose of this chapter is to present a few aspects of what scholars and activists have deemed to be the post-9/11 security state and to see how these different pieces of the puzzle can be used for (mis) educational purposes.

In Chapter 1, I discussed the role these two key principles play within a liberal conception of political legitimacy. I also discussed the case of Omar Khadr and the broader phenomenon of the security state in order to show how recent developments in Western liberal democracies pose a very real and concrete threat to the legitimacy of liberal-democratic states. Finally, I discussed some of the general educational implications that arise as a result of this threat. In this chapter, I build on these philosophical reflections by providing a more detailed sociological account of what I have been referring to, following Sidel (2007), as ‘the rise of the security state’. More specifically, I will identify several key mechanisms by which the political culture of liberal- democratic societies has come to reinforce the sense that terrorist or outsider threats are powerful enough that individual liberties must be severely curtailed in order to ensure the survival of democracy. Again, the Khadr case will serve as my main illustrative example for these developments. Ultimately, my main argument is that one of the

most powerful features of the rise of the security state is its public pedagogical function. The security state has created, or at least is in the process of creating, a political sphere in which the terms of civic discourse make it ever more acceptable to restrict individual rights and freedoms using public safety, security and democracy as a cover for xenophobic and more specifically Islamophobic policies. Ultimately, the security state's pedagogical function ensures that extreme examples of mistreating certain citizens come to be seen as acceptable and even necessary—and thus to ensure that they occur without significant public outcry. Finally, I will conclude as I did in Chapter 1 by considering the implications of the discussion for citizenship education in schools.

The security state has quite possibly a number of different facets, not all of which are relevant to this paper. Those that are are as follows: the creation of anti-democratic legislation, the legalization of extralegal zones, the creation of a culture of fear, the racialization of Muslims and the use of torture. The events of September 11th caused the people of the United States and Canada to re-examine their priorities in terms of safety, stability and freedom. Clearly, some aspect of our security apparatus had failed, which resulted in the loss of life for several thousand American citizens: understandably, this led to a widespread sense of fear and insecurity. As Cole (2002) described it: “We all felt a profound and deeply unfamiliar sense of vulnerability in their [the attacks of 9/11] wake and have a correspondingly urgent need for security and reassurance” (p.955). This left governments tasked with restoring a sense of safety to their people, and quickly.

The type of freedom governments and government officials prioritized following 9/11 was freedom from fear. This meant that certain actions needed to be taken by governments in

order to preserve safety. In some instances, such as in the creation of the prison in Guantanamo Bay, this meant working outside the confines of the law. As Koh (2002a) puts it:

But after September 11, administration officials have reprioritized ‘*freedom from fear*’ as the number one freedom the American people need to preserve. Yet instead of declaring a state of emergency, or announcing broad-scale changes in the rules by which the United States had previously accepted and internalized international human rights standards, the administration has opted instead for a two-pronged strategy of creating *extralegal zones*, most prominently the US Naval Base at Guantanamo Bay, Cuba, where scores of security detainees are held without legal recourse, and *extralegal persons*— particularly those detainees labeled “enemy combatants”, who, even if American citizens on American soil, are effectively accorded no recognized legal avenue to assert their procedural rights (p.1498)

These subtle changes in judicial language mentioned by Koh have, in reality, grave repercussions. Creating people and spaces which are *extralegal* means that we have delineated instances in which laws do not apply and in which there is no due process. In fact, many of the processes of re-prioritization to freedom from fear occurred largely in secret or disguised ways, with little media attention or public outcry. This allowed citizens to feel as though the government was taking steps to ensure their safety, without troubling them with worries about whether or not these steps violate other cherished principles of freedom. This raises troubling questions about the legitimacy of the state.

2.1 The Security State: Some Salient Features

The security state has a number of defining features, I shall however focus on the five

that are most relevant to the Khadr case. They are the creation of specific legislative documents, the creation of extralegal zones and people, the creation of a culture of fear, the racialization and “campification” of Muslims,¹ and the use of torture.

When Omar Khadr was captured on the battlefield in Afghanistan, he found himself not only a prisoner of war, but a prisoner of war caught up in a very specific and non democratic set of laws and circumstances. Specifically, he was caught up in the mechanisms of the new security state apparatus, which is a form of government which justifies the stripping of human rights in the name of security. Kaufman-Osborn (2011) explains that: “the authority of the security state mimics that of its liberal counterpart insofar as it is predicated on a kind of tacit consent on the part of the governed. Specifically, as Iris Young argues, the security state is based on a ‘bargain’ In a nutshell, that content reduces to the following: ‘obey our commands and we will ensure your protection’” (p.88). Indeed, this is the bargain all Canadian and American citizens have been forced to buy into: to accept the state’s possession of a large amount of control and power in the name of the protection of our personal safety.

2.1.1. The legislation of security

Liberals, as explained in the previous chapter, see political stability as valuable only to the extent that it ensures the conditions of individual liberty. As such, political stability is not valuable as an end goal in itself, nor is it valuable to the extent that it promotes overall

¹ I realize that Muslim is not a “race” in itself. Indeed, it is a religion, before being a proper race. In fact, it is a common and infuriating misconception to conflate the terms “Muslim” “Arab” and “Islamist”. This is where I defer to the authority of Sherene Razack who explains that in the present age, Muslims have been racialized- turned into a specific race of people by media and governments. Therefore, for the purpose of this paper I treat people who are practicing Muslims, particularly Arab Muslims, as a race. For further reading, I suggest Razack’s excellent book *Casting Out: The Expulsion of Muslims from Western Law and Politics* (2008)

happiness, or for securing other goods. Political stability is good only insofar as it promotes liberty and protects rights. One way in which the security state violates this liberal conception of political legitimacy is through the mechanism of legislation, such as the Patriot Act in the United States and Bill C-36 in Canada.

These are lengthy and complex pieces of legislation, the details of which have been covered by numerous scholars in great detail. Nonetheless, it is important to note two things from these laws as they shed some light into how the security state functions in a way that corrodes liberal values. Firstly, that law enforcement has been given a greater amount of power, especially to arrest and detain suspected terrorists and secondly, that individual liberties have been compromised the name of broader national security. On this second point, it is important to emphasize that the different people within the American and Canadian public have been affected in different ways, particularly non-citizen Muslim and Arab men: “Citizens and their elected representatives have repeatedly chosen to sacrifice the liberties of non-citizens in furtherance of the citizenry’s purported security” (Cole, 2002, p. 957). In other words, the Islamophobia created a perfect storm in which citizens’ rights were being revoked and non-Muslim or Arab citizens were in a kind of state of shock that allowed these infringements to take place without a large public outcry.

One way in which this was achieved was by granting greater power to law enforcement at federal, state/provincial and local levels to fight against terrorism. Within the Patriot Act, the US Justice Department was granted a greater amount of power which, according to Whitehead and Aden (2002): “turned the focus of federal law from apprehending and incarcerating criminals to detecting and halting terrorist activity on American soil and

abroad” (p.1087). Whitehead and Aden go on to point out that this meant that the attorney general was granted investigative powers previously held by other federal law enforcement agencies such as the Secret Service and the Coast Guard (p. 1088). This meant that spying on citizens and legal immigrants was legalized, and that people could be arrested and detained based on secret evidence (Giroux, 2003). Therefore, there was a centralization of power and of investigative process; the Department of Justice was empowered to seek out and investigate any suspected terrorist activities, often in a very aggressive manner.

For instance, in the United States, between the summer of 2002 and April 2003, the Department of Justice required non American citizens from about 35 Muslim -majority countries to register with Immigration and Naturalization services. There, they were fingerprinted, photographed and questioned. Those who refused to comply with this process were arrested, and subjected to abusive treatment (Sidel, 2007). Quoting the rights group Human Rights First, Sidel (2007) describes the registration process as odious: “In Los Angeles, for example, about 400 men and boys were detained during the first phase of call-in registration. Some were handcuffed and had their legs put in shackles; others were hosed down with cold water or forced to sleep standing up because of overcrowding” (p.17).

Canada had its own form of the Patriot Act, which is called Bill C-36. In Canada’s Bill C-36, security suspects can be detained for up to three days without charge, and, “in severe cases, suspected terrorists could be detained indefinitely without charge when a security certificate issued by the minister of public safety and emergency preparedness and the minister of citizenship and immigration was sanctioned by a Federal Court” (Lui, 2012, p. 88). These security certificates are troubling, because they were specifically targeted at non-

citizen Muslim men from certain “terrorist” countries. In other words, the security certificates were aimed at curbing the individual liberty of a few people who were demarcated by their race, in the name of protecting the liberty of the greater collective. These certificates also show how the state assumes that a certain kind of person is dangerous, and that it is the state’s duty to arrest them when they set foot on Canadian soil; it assumes that our freedom is contingent upon a violent response to a certain kind of person. Bell (2006) explains:

Freedom is treated as protected by, as opposed to limited by, the security certificate process because it works through a pervasive and increasingly legitimated rationality that claims to be protecting “our” freedom from “them”. The suggestion here is that the security certificate ought to be seen as one way in which the imperative of national security and the assertion of sovereign authority do not only imply an erosion of rights and freedoms but an active articulation of what their content ought to be (p. 81).

Bell is describing perfectly what the goal of the security state is, which is to leave the power of assigning what rights and freedoms are important in the hands of the state under the guise of safety. Lui (2012) notes that: “The suspension of certain civil liberties through the provisions of the anti- terrorism act suggests that human rights may in fact be an impediment to counter-terrorism efforts” (p.88). As demonstrated by the Canadian government's subsequent actions using the Anti-Terrorism Act and similar pieces of legislation as a shield, there is a trade-off between human rights and the need for security. While it is not quite accurate to equate stability with security and justice with rights, there is nevertheless an

important devaluing of rights which can be equated to the maintenance of stability, in this particular piece of legislation.

Both the Patriot Act and Bill C-36 promote a specific kind of centralizing of state power, and with it, a loss of individual liberty, particularly the liberty of Muslims and Arabs. While they are not explicitly named in the legislative documents, there has been overwhelming evidence, such as the Los Angeles registration of Muslim and Arab immigrants, that they are the target of these laws.

Whitehead and Aden (2002), in their analysis of the Patriot Act, point out a number of legal flaws in the legislation; how this legislation runs counter to some very important democratic ideals set out in the Constitution and by the Supreme Court is of a chief concern to them as legal theorists. They conclude the introduction to their essay to remind us that these pieces of legislation are dangerous especially in that there is no given end point to the War on Terror; we can assume that without any significant citizen-led outcry, these laws will remain in place. They write that:

Americans should not underestimate the impact that such re-prioritizing will have in the long run. Whatever the outcome of the “War on Terrorism”, Americans should not labour under the misconception that freedoms forsaken today might somehow be regained tomorrow. [...] In today’s world, once civil liberties are fenced, they may never be freed, becoming captive to the warden of national security (p. 1085).

In effect, the definitions and codifications that these pieces of legislation give to the security

state not only give it legal weight, but they use the language of the law and of the democratic process to make the security state legitimate. In other words, as will be discussed in the section below, the security state capitalized on the culture of fear in order to throw citizens into a state of exception.

2.1.2 Extralegal zones and extralegal persons

Another troubling feature of the security state is the creation of what Koh (2002a) called the creation of *extralegal zones* and *extralegal persons*. In other words, laws such as the Patriot Act and Bill C-36 created spaces and people where the laws by which we operate and govern, specifically in Canada and the United States are not applicable. Of particular relevance to the Khadr case is the extralegal zone of Guantanamo Bay and the extralegal person of an “unlawful enemy combatant”, the legal status conferred upon Khadr. As Ahmad (2009) explains:

In this way, in the eyes of the law, the prisoners were made invisible. Furthermore, these national laws contradict some powerful international laws, the prisoners [of Guantanamo] were made invisible. Hidden on a remote and mysterious island, which was made inaccessible to lawyers and human rights advocates for nearly two years, the prisoners were nearly erased (p. 1705-1706).

He argues that the Bush administration made this move in order to “remove the prisoners from the ambit of both the Geneva Conventions and the US courts” (p.1705).

In effect, one of the constant accusations lobbed against the Bush administration in regards to Guantanamo is that it not only violates the United States Constitution, but the Geneva Conventions as well. However, this may be a move that is counter-productive to

achieving justice. In an editorial for *The Nation*, Judith Butler (2002) explains that the Geneva Conventions is: “a document and a contract that seeks to define civilization in its modes of war and in its procedures of accountability over and against a barbaric other thereby occluding its own barbarism” (p. 23). However, the fact that Butler critiques the way the Geneva Conventions are worded and the way they imagine warfare does not, in fact, mean that she agrees with the government’s decision to ignore them. She simply believes that the Geneva conventions: “currently serve to reinforce the distinction between legitimate state violence and illegitimate violence waged by the stateless” (p.23). Butler does not want scholars and activists to rush to international law in order to prove that the national law is flawed; in effect all of the laws pertaining to the War on Terror provide a context in which the violence done against certain groups can be legitimized. If the problem with extralegal zones is a purely legal one, then international law may not be enough to fix it. If the problem with extralegal zones is one rooted in the social and political climate of fear, which I believe it is, then education may be a solution through its ability to create a different sort of climate.

Any kind of civic education that is going to achieve that goal, however, needs to be legitimate. As discussed in the previous chapter, political legitimacy is something that needs to be taken very seriously in order for justice to run its due course. Therefore, any kind of modifications to the law that lend the state a false sense of legitimacy in that it de-legitimizes the politics of another nation, even if that nation is not considered to be fully liberal, is of serious concern. In other words, a state cannot base its own legitimacy on the fact that is more legitimate than another: quite the opposite. Legitimacy, in liberal theory, can only be granted based on the internal acquiescence of a people to be governed. Furthermore, any legislation

that legitimizes the violence of a nation against another and de-legitimizes the violence done by others, is troubling.

This raises questions about the political goal of employing the term “unlawful enemy combatants” is and whose political motive it serves. Unlawful enemy combatants are denied the right to have rights, and exist in a space in which the state is given the permission to deny their rights (Koh, 2002a). In other words, the state has created laws to suspend the rule of law in these “extralegal zones”, which amount to no less than what Razack (2008) calls a “race camp”(p.7). In her book *Casting Out: The Expulsion of Muslims from Western Law and Politics*, she describes what she calls “race camps”; the literal camps of the 20th century (Nazi concentration camps, the American Japanese internment camps, the Bosnian prison camps, etc.) have become the ideological and political camps of the 21st century: “The camp, created in a state of exception, is a place where, paradoxically, the law has determined that the rule of law does not apply” (p. 6). Race plays a fundamental role in setting the boundaries of these camps, just as race and religion played a fundamental role in deciding who was a “terrorist” when the Patriot Act and Bill C-36 were being written.

Butler explains that: “the terrorists are considered to be outside the law, to sanction treatment that is outside the law because of their violence” (p. 24). In other words, the racist and Orientalist ideological leanings of governments, both past and present, manifest themselves in the language and the construction of laws which suspend the rule of law.

2.1.3 States of exception

Bell (2006) writes that: “under the national security imperative of the ‘War on Terror’

the security certificate functions as a moment of legal exception for the assertion of sovereign power and legitimation” (p. 65). The important idea that I want to explore here is the idea of “legal exception”; a law or legal action that suspends the normal processes of the law. As mentioned in the previous section, the creation of spaces and people who are extralegal—those people or places determined by law to not have laws or have access to those laws— was a crucial aspect in maintaining a general populace who were, ostensibly, free from fear. The security certificate issue in Canada is one such example, but there are others throughout history. States of exception have become manifest and have taken on different formats throughout the past few centuries, and the Canadian and American present states are but the most recent manifestations of this phenomenon.

In his book *State of Exception*, Agamben (2005) describes how states create a sense of urgency and a need for immediate fear. This allows states to suspend the rule of “normal” laws and instate laws of exception, or laws that explicitly deal with the threat at hand even if they contravene the laws of “normal” - i.e. unthreatening times. This has happened frequently over the course of history. The Japanese internment camps of 1942 in the United States, after the attacks on Pearl Harbor, are one such example, in which the perceived threat of Japan was so great that over one hundred thousand Japanese Americans were interned in the Pacific United States (Sidel, 2007, p. 6). This atrocity would never have been allowed to occur during normal times— that is, peaceful times — and Agamben notes that, in fact, this internment took place during the unlimited national emergency that Congress had declared in May 1941. The Patriot Act and Bill C-36 are pieces of legislation that follow the same tradition of suspending the rule of normal law.

States of exception within a liberal democracy are, as Huysmans (2004) explains, paradoxical: “the paradox arises when the security knowledge and the technology that is meant to protect liberal democracy against violence seriously risks to undermine it” (p. 322). He points to numerous examples from the United States and the United Kingdom in which government officials claimed that in order to be able to provide security to the people they: “had to suspend some liberties and rights and provide security agencies with more extensive powers” (p.324). This is demonstrated in the legislation such as the Patriot Act in the US and the Anti Terrorism, Crime and Security Act in the UK. While Huysmans (2004) does not go into the Canadian context, it would be reasonable to include Bill C-36 into this group of legislative documents that grant greater power to law enforcement bodies. This legislative process and the spirit in which they were written, Huysmans explains, were in effect, creating a climate of exception.

Why should the political climate of a state of exception be of a concern to liberals?

Huysmans (2004) argues that:

the concept of exception refers to serious distortions in the restraining effects that the rule of law and democratic representation have on the arbitrary exercise of power. Such distortions do not necessarily lead to the collapse of the matrix [rule of law- political leadership-popular will] but they always render a visible risk that strengthening executive centered and/or populist political power slips into decisionist politics (p. 327).

In effect, the state of exception in a liberal state does not mean that the state is thrown into a distinctively illiberal state. However, exceptionalist policies, such the Bill C-36 and its

international counterparts do threaten the distinctively liberal balance of the rule of law, the political leadership and the popular will by collapsing the popular will into the political leadership, thereby damaging, without necessarily fully rupturing, some aspects of the rule of law. This throws the liberal state into a grey area somewhere between ideal liberal democracy and illiberal authoritarianism. In other words, these laws, which I argue, facilitate the maintenance of the security state, are a risk to the liberal foundation of the rule of law and the pursuit of justice.

2.1.4 Race-thinking and the racialization of Muslims in the security state

While the current political climate and discourse of citizenship theory has been indelibly marked by the events of September 11th and the subsequent Islamophobia which those events have allowed, it is too simplistic to lay the blame squarely on the shoulders of those plane hijackers. Pointing to 9/11 and the War on Terror as the initial starting point of Islamophobia is too easy; these are simply the events which are easiest to single out, as they are still fresh enough in the collective memory. In actuality, there has been a systematic and pervasive system of what Hannah Arendt (1944) calls “race thinking” existing within Western politics since the 18th century. Arendt’s theory is useful to refer to in untangling some of the knots posed by Islamophobia in modern discourse, because it offers a comprehensive understanding of how race-thinking affects political ideology.

Race-thinking, according to Arendt (1944), is the ideology that “interprets history as a natural fight of races” (p. 39). It is important to note is that Arendt was writing in reaction to some slightly earlier scholars who interpreted history as the natural fight of classes, such as

Marx and Engels. These theories, she argues, were only able to be properly debated once the general groundwork for liberalism had been established, as liberalism creates a society in which it is possible to openly debate questions of ideology. Both ideologies, she explains, have been adopted by a critical mass of people in order to make them fully functioning political tools; their scientific grounding is a much lesser concern. Arendt writes that: “without immediate contact with political life none of them [ideologies] could be imagined.” (p. 39).

Race-thinking is different than racism, and indeed precludes it, in that race thinking posits races as conflicting entities, without necessarily specifying which is superior; it is simply the idea that conflict is drawn along racial lines, not economic ones. Arendt, writing in the midst of World War II as a Jewish woman, was obviously concerned with how race-thinking had allowed for the creation of a Nazi state. She argues that race-thinking precludes racism in the sense that it provides a ready-made system in which constructed categories of conflict can be imposed onto Western political discourse. For instance, the Nazi state was able to construct the “Jewish enemy,” or in other words, to use racism as a political weapon, because race thinking had already existed in Western European politics since the 18th century. Therefore, it was not all that difficult for the people living in Nazi Germany to accept the propaganda that Jews were evil; they had been living in a political climate which had facilitated race-thinking for almost a century. In the same way, the American government was able to construct the “Japanese enemy” in World War II and the Canadian and American governments and media are able to create the “Muslim enemy” in the context of the security state.

In modern times, Razack (2008) argues that race-thinking manifests itself through the

creation and maintenance of a system: “in which it is possible to know that the passenger who has ordered a special meal is a non-smoking Muslim in seat 3K, and to arrange for that passenger’s eviction from the aircraft” (p.9). Much in the same way that the leaders of the Nazi party used the media and propaganda to make Jews seem dangerous and greedy, the current political climate in which race-thinking exists lends itself to seeing Muslims as radical, violent, and anti- democratic.

In other words, the Other, in this case the Muslim Other, is seen to be so threatening that violence done against the Other is not violence; it is a necessary security, and it is a part of due process of a law which is designed for the protection of the supposedly innocent majority. Naber (2006) explains that: “Within the post-9/11 moment, of crisis, the racialization of an ‘Arab-Middle Eastern-Muslim’ has been constituted by a dual process of cultural racism and the racialization of national origin” (p. 236). This racialization process creates a presumption of guilt of terrorism without any hard empirical evidence. That is to say, Muslim and Arab people are presumed to be terrorists, or at the very least, radical and violent and a threat to the innocent majority. Indeed, Muslims have been racialized by the governments and the media to be seen as backwards and anti-modern: “within the context of the War on Terror, in continuity of histories of anti-Arab/anti-Muslim racism in the US, dominant state and media discourses have increasingly deployed Islam as a signifier of inferiority, backwardness and incompatibility with modernity and American-ness” (Naber, 2006, p.248). If these powerful entities are educating the citizenry in such a manner, it makes sense that we as citizens will eventually come to believe that this is the truth. Of course, this is not to take away from the personal agency of the people, but it must be stated that the

media and governments are powerful educational forces.

In the Khadr case, this is exemplified in the treatment he received at Guantanamo Bay prison and the lack of a significant public outcry which kept him there for a decade; citizens were being educated to believe that this was for their own safety. Jackson (2005) points to numerous instances in which terrorists were described as “parasites”, “inhuman” and “spawns” by both George W. Bush and some of his most senior officials in the early 2000s. As he goes on to explain:

once a group has been reduced to being an evil ‘spawn’, ‘animals’, ‘parasites’, ‘a cancer’ on the human condition, a ‘scourge on the world’ and ‘a curse’ on the face of the earth— once they have become ‘faceless’ both figuratively and literally – it is relatively easy to treat them in an unconscionable manner without any regard for their human rights (p. 75).

Justified by a broader climate of exception, the suspension of rights of the Other becomes the law, in order to protect the “us” (Razack, 2008). An important feature of the racialization process is the dehumanization of the other; once a group has been reduced to a sub-human category, they are no longer entitled to the same kinds of human rights as those who are not in that group.

How does this process of racialization undermine political legitimacy? Simply put, liberal democracy is founded on a principle of equality, and when respect for equality is seriously compromised, such as in the case of the racialization of Muslims, the foundation of the liberal democracy is threatened. One of the core aims of civic education, as Gutmann (1995) explains it, should be the teaching of “mutual respect and a sense of fairness as basic

political virtues” (p.561). Ergo, it follows that if civic education is to be at least a little successful in righting some of the wrongs done by the security state, it ought to address these inequalities head-on and foster a real mutual respect for different races of students.

2.1.5 Democracy and torture

Any discussion of the Khadr case would be incomplete without a discussion of the implications of torture. The fact that torture is allowed to exist in a liberal democracy contravenes the most basic principles of liberalism, as it strips people of their basic human rights and dignity in the most violent of ways, and this violence is politically sanctioned. Again, this thesis is not assuming that torture has never taken place in a liberal democracy, or that this is a new development. What is troubling, however, are the new ways in which torture is discussed and how it is framed as an important piece of national security.

When torture is disregarded, silenced or not spoken of, we are tacitly participating in what Rejali (2011) calls the social practice of torture: “Torture is not a government policy. It is a social practice and it lives in society” (p. 27). To exist in a state where this kind of practice is assumed by its citizens, where torture is practiced in their name is not only illiberal and immoral, it is harmful to the proper development of the moral apparatus of the future citizenry of the nation. Rejali (2011) goes on to warn that: “torture does not simply destroy the lives of torturers and victims alike. It triggers powerful corrupting forces that destroy the judicial, intelligence and military institutions that use it. And its presence in social institutions lasts for decades” (p. 27). Torture, therefore, has a pedagogical function.

As Luban (2005) says of torture, it: “aims to strip away from its victim all the qualities of human dignity that liberalism prizes” (p.1430). This leaves us at a perplexing crossroads as

to how we can possibly reconcile the values of liberal democracies and the torture which they participate in, and if such a reconciliation is in fact more dangerous than anything else.

Sundstrom (2006) asks:

Should a reasonable liberal people of a Western liberal democracy countenance a practice that has been roundly denounced by the society of peoples? The answer is that it should not, and that if it does, then the reasonableness of that people, as well as the commitment of the nation to liberalism, is questionable (p.441).

Cole (2002), explains that to trade off the rights of some people (non citizen Muslim and Arab men) in order to gain more security for the rest of the people tarnishes in indelible ways the legitimacy of the state practicing the torture, precisely because the legitimacy of the state rests upon a Constitution (or in Canada, a Charter) which does not delineate rights for some but rather rights for a whole people. Only certain rights, such as the right to vote, are restricted to citizens: “the rights of political freedom, due process, and equal protection, in other words, are part of the minimal set of rights that the world has come to demand of any free society. In the words of the Supreme Court, these rights are ‘implicit in the concept of ordered liberty’” (Cole, 2002, p. 980). Torture, therefore presents a profound disjuncture between the values at the very core of liberalism, and some of its darker practices; it is a rupture between theory and reality. It is therefore important to take a few moments to question why torture is being allowed to occur in Guantanamo Bay and in place like Abu Ghraib, and whose interests torture serves.

But was the treatment that Khadr received in Guantanamo torture? Wolfendale (2009)

quotes an article in *The Guardian* in which “ US Naval Intelligence Officer Wayne Madsen claimed that only torture lite, (and not torture) was being used by military personnel in Afghanistan and Guantanamo” (p.47). In effect, there has been an increasing distinction between what we would normally refer to as torture, which is brutal, scarring and violent, and the “torture lite” or “enhanced interrogation”, which is somehow less damaging, yet as effective in terms of gaining information, which is being used in Guantanamo and elsewhere. The techniques that are commonly referred to as “torture lite” are sleep deprivation, forced standing, noise flooding, humiliation and isolation. Wolfendale (2009) sees this terminology as problematic, because it: “neutralizes the violence of these techniques and downplays the suffering they cause. Such euphemisms can also have a strong impact on how those using those terms (interrogators, public officials, and the general public) perceive the morality of the techniques thus described” (p.53). The fact that “torture lite” is morally permissible in the context of a liberal democracy, where “real torture” is considered abhorrent, is problematic on a moral level, but also contradicts some of the fundamental principles of liberalism. The educational implications here are clear: “torture lite” is an acceptable and palatable form of gaining intelligence to save lives, and “regular torture” is illiberal.

Luban (2005) explains that torture has, unfortunately, been a part of human societies for a long time, at least as far back as Ancient Greece and Rome. Torture has only recently been reviled in the past two centuries, not because humans have somehow become more compassionate, but because torture is seen to be a practice of tyrannical, not democratic regimes. He explains that: “Liberals, I have said, rank cruelty first among vices—not because liberals are more compassionate than anyone else, but because of the close connection

between cruelty and tyranny. Torture is the living manifestation of cruelty, and the peculiar horror of torture within liberalism arises from the fact that torture is tyranny in microcosm, at its highest level of intensity” (p.1438). Luban goes on to explain that the only permissible reason for torture we have imagined in a liberal democracy is the “ticking time bomb” scenario, in which the torture of one bad person is weighted against the fate of many innocent good people. This rhetorical scenario, with little rationality or realism, as Luban demonstrates, is “ the picture that bewitches us. The real debate is not between one guilty man’s pain and hundreds of innocent lives. It is the debate between the certainty of anguish and the mere possibility of learning something vital and saving lives” (p. 1444). Certainly in the early day of the War on Terror we were concerned with what other security threats to North America were out there. However, it has become clear that the torture happening at Guantanamo Bay is not the kind of “ticking time bomb” scenario. Something else is going on.

In her essay “Why Torture?” Blakeley (2007) explains that there are three main justifications for torture in both liberal and authoritarian states, to re-enforce dominant ideologies: security, stability and legitimacy. While she treats these models as separate, she concedes that there is significant overlap within her models, and that states rarely practice torture with only a single end in mind (Blakeley, 2007). The most relevant models here are the security and the legitimacy models. The security model argues that torture is needed in order to obtain intelligence that the state needs in order to maintain public safety. This is simple enough to understand, and the ticking time bomb scenario is reliant on this model. The legitimacy model is slightly more complex. Blakeley writes:

the legitimacy model accounts for the ways in which state officials, usually from

liberal states, seek, on the one hand, to secure the rights to use torture, based on the assignment of specific identities of themselves- as legitimate- and of those against whom they wish to use torture- as illegitimate. On the other hand, claiming the right to use torture is intended to secure those specific identities, which are never fixed(p. 374).

As previously shown in the language and rhetoric of the War on Terror, the United States and its allies, like Canada, have placed themselves within a higher category of being— that is better humans— than terrorists and suspected terrorists, which is evidenced in the laws of the nation, and established in race thinking. As Razack (2012) writes: “Legally and socially sanctioned torture invites us all into a world that is “color-lined”, a world in which there are humans and subhumans, the latter distinguished by a racial mark” (p. 430). Torture, therefore, becomes the brutal manifestation of the consequences of the process of racialization.

Blakeley (2007) explains that these categories permit torture because “the American upholders of freedom are deemed trustworthy to torture, on the grounds that it is a necessary action on the part of those fighting for freedom, justice and peace against the evil, murdering, parasitic enemy” (p. 389). Blakeley explains that in the context of the War on Terror this had two, almost oppositional effects. It has reinforced the legitimacy of torture by the elites at home, while simultaneously delegitimizing that same group of elites abroad, particularly in places where victims of torture are likely to be found, such as Iraq.

The crux of Blakeley’s argument lies in the fact that torture is never used arbitrarily: it is a conscientious assertion of power of the dominant world elites. Therefore, the question at hand is not “was Omar Khadr tortured?” nor is it really “why was Omar Khadr tortured?”

Instead, the question I Blakeley wants us to ask is: “whose interests were being served by allowing Omar Khadr to be tortured?”. In the next section, I try to answer the question “what does the torture of Omar Khadr teach us about our modern Canadian liberal democracy?”.

These five points—the development of violent or anti-democratic legislation, the creation of extralegal zones, the creation of a state of exception based on fear, the racialization of Muslims and the use of torture—are all central issues to the Khadr case. While it is impossible to know for certain what would have happened to Khadr on the fateful day in 2002 had he not been Muslim, we can speculate based on evidence of the existence and prevalence of a certain kind of state and its associated ideology, that is the security state and race-thinking ideology. He would not have been arrested in Afghanistan had he not been Muslim. He would have been freed if he were considered to be fully human, instead of a racialized Other. He would not have been interned and tortured in Guantanamo had there not been laws allowing for the creation and maintenance of extra-legal zones. The suspension of his rights and the lack of willingness of the Canadian government to act on his behalf were not accidental miscarriages of justice. Rather, his case, and cases like his, show just how warped our current understanding of liberal democracy has become.

2.2 The Pedagogy of the Khadr Case

The two following sections examine two different ways in which liberal values are being corrupted by the security state: in the practice and endorsement of torture and in the media discourse and public pedagogy surrounding the Khadr case itself. These issues are raised out of concern for the future of liberal democracy, but also as examples by which educators and civil society may be able to critically engage with the realities of security state,

and to educate young people on the ways by which they can take democratic actions. While the situation is rather dire, and the picture I have painted may seem bleak, this educational moment cannot be allowed to pass by unexplored and unaddressed in the classroom.

2.2.1 Public pedagogy, citizenship and torture

The security state is teaching us about the ways in which the citizens of liberal democracies are to understand their role as citizens, and also how they are supposed to view Muslims. The educational mechanisms of the security state are sometimes explicit, such as the permissibility of the use of torture, and sometimes implicit, such as in the media representations of certain victims of security state processes.

Omar Khadr could easily be the classmate, friend, neighbour, or peer of any young Canadian person. His case is one, which as previously argued, is caught up in a tangled web of new legal, fear-mongering and racialization processes. Therefore, it makes sense to examine a few of the pedagogical implications of his case and the security state mechanism have for young Canadians.

In his book, *The Abandoned Generation* (2003), Giroux claims that: “As the foundations of the national in-security state are solidified through zero tolerance policies, antiterrorist laws, soaring incarceration rates, the criminalization of the homeless, racial profiling and anti- immigration policies, the forces of repression become more integrated, marked by an increasing combination of various elements of federal and local law enforcement agencies.” (p.xx). The book also argues that this generation, the generation that includes Khadr, are being particularly targeted by governments and media as the source of danger, and being miseducated about their rights and power in the democratic system.

The centralization of power in the Patriot Act and Bill C-36 shows that power is held by a select few. Politics and or meaningful citizenship engagement becomes difficult, as power's centralization makes it more difficult to break it down. It also assumes a kind of dangerous militarization of citizenship, in which citizens are soldiers of the state, forbidden any defiance of the orders of those in power, as Giroux (2004a) explains: "Politics becomes empty as it reduces citizens to obedient recipients of power, while shaming those who make power accountable" (p. 219). Furthermore, it assumes that in order for social stability to be maintained, that the just enemies of the state must be eliminated, with no concrete critical analysis of why animosities exist in the first place. In other words, the politics of the War on Terror become abstractions rather than realities.

This neutralization of politics is not random. As Ek (2006) explains, it is: "a pretext to dismantle civil rights, that, following the breakdown of the Soviet Union, would become universal" (p. 370). In essence, a neutral, abstract form of politics is an integral part of the security state, as it allows for a breaking down and erosion of some basic rights without any kind of politically charged civil society equipped to fight back in a meaningful way. Agamben (2002) notes that: "today we are facing extreme and most dangerous developments of this paradigm of security. In the course of a gradual neutralization and the progressive surrender of traditional tasks of the state, security imposes itself as the basic principle of state activity." (cited in Ek, 2006, p. 370). The pedagogy here, that politics is neutral or empty, can easily discourage young people from seeing political engagement as a means by which to gain power and create democratic change.

2.2.2 Implications for citizenship education in schools

The public pedagogy of the security state can easily impact the classroom. As mentioned earlier in this paper, the War on Terror has been a reality that young people have had to contend with for almost all of, if not all of, their lives. Therefore it is impossible to assume that it will not come up in a classroom discussion. Without a meaningful and well-taught civic education curriculum, young people cannot locate the nexuses of power in their changed society. Drew (2009) explains that: “one central aspect of this pedagogy is the cultivation of citizen identities that are inattentive to power and, as such, citizens who are more vulnerable to rulers seeking to determine our fears” (p. 183). Examples of such fears are some of those laid out in previous sections of this chapter: insecurity, Muslims, and the ticking time bomb that requires torture.

Torture itself also plays an educational role: “you (Muslims) and people like you are not worthy of humane treatment” is perhaps the most explicit lesson a detainee will learn. But there is more to it than that. In the classroom, torture is something that can provide a jumping off point for a broader discussion. Giroux (2004b) uses the example of the pedagogical potential of the photographs from Abu Ghraib prison. He asks:

What pedagogical practices might enable the public to foreground the codes which give photographs their meaning while also connecting the productive operations of photography with broader discourses? For example, how might the images from Abu Ghraib prison be understood as a part of a broader debate about dominant information networks that not only condone torture but also play a powerful role in

organizing society around shared fears rather than shared responsibilities? (p.9).

Torture teaches detainees that they are not worthy of human rights. Torture also teaches citizens of nations in which torture is sanctioned that their liberal democracies are engaging in a very specific set of practices in the name of keeping them safe. The point Giroux makes about organizing around shared fears is a very important one: it demonstrates that torture is about teaching young citizens that fears are more powerful than responsibilities. A good educator can force students to question their assumptions about their fears—fear of being attacked again, fear of war, fear of chaos—and how that fear relates to their responsibilities as members of a functioning democracy. In short, a good civic education can help young people try and think differently than the dominant discourse.

2.3 Addressing a Possible Objection

Some may think that the account of the rise of the security state that I have outlined above is too alarmist. After all, there is no evidence that liberal-democratic states have completely abandoned their genuine commitment to liberal principles of individual freedom, civility and shared justice among citizens. Nor is there any evidence that a liberal state that simply abandoned or rejected such principles could continue to maintain legitimacy in the eyes of its citizens. Although critics of the security state may be dissatisfied with the lack of intensity and influence that public dissent has managed to create on Khadr's behalf, they cannot claim that public dissent and criticism has been completely absent. This raises the concern that my description of the rise of the security state above is exaggerated. The fact that a liberal- democratic state is not perfectly just does not therefore show that it is no longer

liberal and democratic. To claim otherwise is both alarmist and seriously misleading, or so a certain sort of objection may claim.

In addressing this objection I will simply reemphasize that my central claim is not that the security state has gained complete and total hegemony. Rather, my claim has been that the security state represents a real threat to contemporary Western liberal democracy, and that the concept of the security state represents a useful way of identifying and locating a dangerous threat to liberal-democratic citizenship education. I have not attempted to measure or quantify the exact degree or intensity of the threat, nor have I considered any evidence of whether the threat is irreversible and permanent.

Any threat to the liberal democratic state, such as the creation of the security state, is a threat because liberal democracy still exists. If it were more than a threat, and instead a complete reality, there would be no point in raising the alarm for the protection of liberal democracy: the damage would be done. The reason we have citizenship education, is because (we hope) there is some way to educate citizens to be aware of the possible threats to liberal democracy and to be aware of what democratic means are available to them to address these threats. The reason my position seems alarmist is because there is a real need for education on the mechanisms of the security state to take place in today's media and classrooms. Giroux (2003) notes that: "the terrorists attacks provide educators with a crucial opportunity to reclaim schools as democratic public spheres in which students can engage in dialogue and critique about the meaning of democratic values" (p. 21). While the security state may be a real threat to democracy, it also generates a highly important moment in which to teach about democracy.

Conclusions

To conclude this chapter, I want to ask what the Khadr case teaches us. I would argue that there are three main points that this chapter has covered that point to the lessons that are being indirectly passed on to Canadian citizens. All of these lessons, I believe, are dangerous, and are as follows:

The rights that we are taught in school are not as sacrosanct as our governments would have us presume. Citizenship under the regime of the War on Terror has become a murkier, grayer area, and the basic human rights that accompany our citizenship rights are not guaranteed by law anymore. In fact, we have written laws with the express agenda of being able to curtail our rights in the name of public safety.

The security state assumes that Muslim and Arab people are to be especially mistrusted. They are violent, and the security state politics dictates that we can, and indeed, must reproduce this violence upon their bodies in order to prevent future violence. Race thinking allows us to place races into different levels of humanity. In modern times, the most dangerous race to liberal freedom is the Muslim one. This runs against the liberal principle of equality, which in turn undermines the legitimacy of the democratic state.

If we use a particular kind of rhetoric, and a particular kind of neutralizing language we can make torture, or torture lite, a part of the liberal democratic process without causing too much of a public outcry. This is done by painting those who are receiving the torture as both dangerous, and as being the holders of precious information that could ensure the safety of many people. If the concern for safety is placed higher than the concern for the respect of

individual rights, and we assume that the individuals being tortured will not suffer long-term damage, then torture becomes more easily integrated into seemingly liberal policies.

The following chapter looks at the issue of patriotic education or how the War on Terror could feasibly be addressed in a classroom setting.

Chapter 3: Teaching Citizens: On Patriotism and Sharing Fates

So far in this thesis I have focused on two related questions. In Chapter 1, I examined the question of how liberal principles of political legitimacy illuminate a threat to liberal-democratic politics, and thus to liberal-democratic values associated with citizenship education. The threat in question is what I have been referring to as the security state. In Chapter 2, I explained in more detail what the security state is and how its increasing influence in Canada and other Western liberal-democratic societies has distorted and reshaped the political culture of these societies in ways that disguise and obscure deeply illiberal and antidemocratic trends. At the conclusion of Chapter 2, I briefly outlined the implications that the rise of the security state might have for guiding the reform of citizenship education in public schools. In this final chapter, I develop this discussion in greater depth by examining how the rise of the security state and its concomitant threats to democratic values provides a basis for adjudicating one of the most important debates in contemporary philosophy of education; namely, the debate about the ethics and democratic usefulness of patriotic education.

Chapter 1 dealt with the debate between Callan and Brighouse, but only referring to the kind of civic virtues we wanted to cultivate. Brighouse saw the cultivation of civic virtues as an illegitimate use of state power, and Callan saw certain civic virtues as a vital component of maintaining a just and stable state. Here, the specific civic virtue being discussed is that of patriotism. Indeed, scholars such as Callan (2002) argue that a certain kind of patriotism is not only important in order to maintain a stable and just state, it provides students with a sense of loyalty to the nation and instills within them a psychological

attachment to the community. Others, such as Brighthouse (2003) see certain problems arising from the teaching of patriotism that could actually re-enforce the values of the security state.

The dilemma thus stands as such: On one hand, schools play an important and vital role in the creation, maintenance and reinforcement of certain democratic values, principles and beliefs. The creation of citizens who cherish and externalize these values is one of school's principal *raison d'être*. Students need to be taught certain skills, attitudes, and beliefs that can make them fully functional participants in our democracy. As Enslin et al (2001) succinctly put it: "For democracies to thrive, citizens have to be taught to be democrats" (p.115). Furthermore, they need to develop a certain emotional attachment to liberal values such as justice and stability in order to maintain a society in which these values can flourish.

But still, there is a leap that goes from citizens being taught to be democrats to citizens being taught to be patriots. Callan (2002) explains that this leap is a moral one, and without a proper patriotic education "the national community with which one identifies cannot thrive" (p. 468). This means that insofar as Callan is concerned, patriotism is a necessary educational component of democracy, because patriotism teaches an attachment to democracy, which, in a circular fashion, maintains the democratic system.

One the other hand, as I have shown in Chapter 2, certain institutions in *de facto* liberal democracies are engaged in some troubling anti-democratic practices. And these anti-democratic practices also appeal to the value of patriotism. State sponsored torture, the racialization of Muslim citizens, and the other elements of the security state combine to create a political culture in which chauvinistic patriotism is the preferred political currency,

that is, the currency that enables the state to supposedly protect the nation from ‘foreign’ threats in the name of preserving cherished values of liberal democracy. This creates an apparent impasse when it comes to citizenship education: on the one hand, the flourishing of liberal democratic societies seems to require that citizens come to share a certain sense of belonging to a greater community and solidarity—a sense that some philosophers have argued is aptly referred to as patriotic attachment. Indeed, according to proponents of patriotic education, a patriotic education is essential to create citizens that question and think critically about these affronts on their democratic system. On the other hand, it is far from clear how a state sponsored school system could reliably teach students to develop a sense of patriotic attachment without also encouraging them to develop the chauvinistic attitudes and predispositions that go along with the agenda of the security state. To be clear, the problem I am alluding to here is not that teachers and schools, as state sponsored institutions, would necessarily be corrupted by the values of the security state (though that is certainly a possibility well worth worrying about). Rather, my claim is a more philosophical one; I suggest that even if public schools could insulate themselves from the miseducational values of the security state that funds and regulates them, it is unclear how a democratically infused patriotic education could practically ensure that students were able to reliably distinguish between ‘good’ (i.e. liberal and democratic) forms of patriotism taught in school and ‘bad’ (i.e. anti-democratic and illiberal) forms of patriotic education that pervade the popular and mainstream culture outside the school. While I am not aware of any empirical evidence that does or could answer this question definitively, the fact that we lack solid evidence to answer the question ought to raise worries for proponents on both sides of the debate about

the ethics of patriotic education. If successful democratic citizenship education requires that citizens develop shared bonds of attachment that enable them to make sacrifices necessary for conditions of justice and equality to obtain, as proponents argue, then Callan's argument for patriotic education may be about the best candidate we have on offer. On the other hand, Brighouse's powerful criticisms suggest that the prospects for democracy remain quite dim even if Callan's defence of liberal patriotism succeeds, since even the most ethically compelling conception of patriotic education remains a tepid and inadequate antidote to the far more powerful forces of chauvinistic and aggressive patriotism that do the teaching outside the school. As a result, in the absence of a resolution to the debate about the ethics of patriotic education there remains a need to seek an alternative to patriotic allegiance as something democratic schools might seek to foster in order to provide young citizens with an ethical basis for combatting the antidemocratic forces mobilized by the security state.

While this problem is quite serious, it is not, I believe an impossible riddle to solve. Here, Melissa Williams's (2003) vision of citizenship as shared fate is offered as a possible, albeit imperfect, solution to this dilemma. Williams (2003) offers us the potential solution of envisioning citizenship as a shared fate, rather than a shared patriotic identity. I argue that the idea of shared fate has a great deal of potential to prove itself highly useful in finding a way out of the woods.

In this chapter, I want to look at how these two different visions of citizenship education—which I will call citizenship as patriotism and citizenship as shared fate—can provide some insight into how we can educate citizens better, with a special focus on how these visions of citizenship become actualized in the present context of the security state.

Scholars such as Callan, Brighouse and Williams certainly agree that citizens need to be taught certain skills, attitudes and comprehension of democratic principles, as well as a certain emotional attachment to liberal-democratic values, such as those of justice and stability. Where they differ, importantly, is in their identification of different ethically salient objects of attachment. For Callan, it is the nation state and the politics it embodies. For Brighouse, it is the liberal principles themselves. For Williams, the object of attachment is captured by the phrase shared fate, which suggests an attachment to a variety of overlapping and shifting social groups that cannot be defined clearly and definitively by existing bounded group identifications such as a nation, but which goes beyond an attachment to mere principles of justice.

3.1 Thick and Thin Citizenship Education

Before getting into this however, it is important to understand a basic concept in citizenship theory: that of “thick” versus “thin” citizenship. Essentially, the “thickness” or “thinness” of a vision of citizenship corresponds with how rigorous the demands of self-reflection is required on the part of the citizens. Here, self-reflection is understood as the effort to understand and identify with the perspectives of one’s fellow citizens. The extent of the effort required is a function of the fact that in a diverse society, one’s fellow citizens will identify with different conceptions of the good that have the potential to come into conflict with one another. This is not to say that having different conceptions of the good is a bad thing. Quite the contrary: one of the most important features of a democratic system is that debates about different visions of the greater social good are a fundamental piece of the political process.

Thick or thin accounts of citizenship examine the role of the citizens, and the work required from them in daily democratic life. As Merry (2012) explains: “‘Thick’ accounts of citizenship describe the reciprocal and informed participation of citizens with their respective political institutions and with each other. ...Meanwhile, there are ‘thin’ accounts that remind us that while some lives are defined by politics or political activism, most of us exhibit an explicitly less political version of civic virtue” (p.372). Since participation in a liberal society implies that one is engaged in a project of collective self-rule, this means that citizens who participate must make a strong effort to come to agreement, or at least principled compromise, not only on shared principles of justice but on the ways in which those principles apply to concrete issues of policy.

This requirement of effort and participation is directly connected to the ideas of political legitimacy discussed in Chapter 1. If laws and policies related to justice, equality, and individual freedom are to be considered legitimate in a liberal society then they must be acceptable to all citizens without requiring anyone to have to sacrifice their reasonable beliefs about the good. A thick conception of citizenship means that citizens have to rigorously engage in the kind of self-reflection described above in order to preserve the legitimacy of laws and policies designed to ensure social justice. A thin conception, in contrast, means that we all have to follow the same laws and we all possess the same rights, but it does not require us to think together in the demanding way that the thick version of citizenship requires. It assumes we can all have a common and collective self-rule while simply agreeing to disagree about our respective comprehensive conceptions. Rather than thinking together through processes of deliberation characterized by mutual respect, identification and recognition, thin conceptions of

citizenship assume that simple tolerance—agreeing to leave each other alone to “do our own thing”—is sufficient to ensure legitimacy.

However, there is a problem with thin conceptions of citizenship that arises in any diverse democratic society, but which is especially acute in the context of the security state. In diverse liberal societies, disagreements and conflicting comprehensive doctrines mean that citizens will find that they often lack shared grounds or reasons to consent to a common set of laws. In this light, it is likely that the thin principle of standoffish tolerance will be radically insufficient for securing the necessary grounds of social cooperation that justice requires. More specifically, conditions of radical disagreement and conflict will almost certainly extend to the question of what the limits of toleration ought to be and, by extension, what the principle of tolerance demands of citizens when those boundaries are breached. Obviously, this is precisely the sort of disagreement highlighted by the Khadr case, and it is also precisely the kind of disagreement and conflict that the security state functions to disguise or obscure and thus remove from the agenda of public debate and dialogue among citizens

The upshot of the preceding discussion is that a thin conception of citizenship based on the morally minimalist principle of tolerance is far too weak a political and educational antidote to the anti-democratic threats posed by the security state. If citizenship education is to provide students with skills and virtues that enable them to critically and reflectively defend democratic principles and institutions against the cultural forces of the security state, a thicker conception of citizenship would appear to be necessary. In recent years, liberal-democratic philosophers of education have proposed two distinct and competing ideals of

citizenship education: firstly, patriotic education and, secondly, education for citizenship as shared fate. In the next section, I examine this debate and suggest that citizenship as shared fate provides a more promising basis for citizenship education as a response to the dangers of the security state.

3.2 Patriotism and the Security State

Patriotic citizenship would be considered thick citizenship in that it requires a great amount of loyalty to the state, and requires citizens to be active in the maintenance and promotion of patriotic sentiment. It is, therefore, possible, that a certain kind of patriotic education, such as the kind described by Callan, aimed at promoting thicker conceptions of justice could be helpful in creating citizens that have a firmer grasp on justice. Citizenship as shared fate, on the other hand, is much thinner, in that it only assumes a basic level of civic participation is required and that our bonds as citizens are forged purely by circumstance. However, citizenship as shared fate does include some provisions for active political participation, especially in regard to the political institutions with great amounts of power.

The security state has put a renewed emphasis on patriotism, and has posited loyalty to one's nation as a foundational building block of national unity. That patriotism would experience a resurgence in popularity and educational importance in the context of the War on Terror is hardly a coincidence. As Jackson (2005) explains:

in times of conflict unity becomes even more of a moral imperative. This is because policy makers in particular believe that modern wars cannot be won without a combined national effort, and that any expression of disunity will undermine the

struggle, thereby endangering the community's existence (p. 86).

In other words, there has been a real push by governments, but also corporations and media, to make patriotism as overt as possible. Giroux (2003) also notes that this patriotism has become a commercial commodity: "unreflective patriotism as home-team boosterism runs the risk ... of feeding a commercial frenzy that turns collective grief into profits" (p. 26). Giroux points the numerous examples of the fashion items, bumper stickers, and coffee table books that have turned the events of September 11th into a way by which the American people can buy their loyalty to the nation.

This kind of patriotism, the one created around consumerism and simple "home-team boosterism," is not what Callan (2002) is calling for. In effect, Callan is advancing a far more nuanced vision of patriotism, one that has the potential to reinforce democratic ideas. Callan (2002) explains that the reason for patriotism is simple: We need a common national history and national aspirations in order to function as a liberal democracy. He explains that without patriotism: "Justice and democracy can be no more than moments in a bleak history without them unless they become embedded as at least common aspirations and partial achievements in durable political structure that permit the peaceful conduct of collective self-rule" (p.466). In other words, patriotism is an essential component of a liberal democracy because it provides a sense of national unity. Therefore, it makes sense to promote patriotism through the education of young people, in which it becomes possible to instil these values in them for the rest of their lives.

Without political unity forged through an education aimed at promoting patriotic loyalty Callan argues that serious cracks inevitably appear in a state's capacity to function

justly in real- world situations. Concerns about the security state and its role in the War on Terror call for a discussion of how Callan's defence of patriotic education might apply in this context, even if Callan does not consider this particular application himself. Jackson (2005) provides the example of the "so-called Vietnam Syndrome: a great many officials believe that the war in Indochina was lost because social and political divisions undermined America's unity of purpose" (p. 86). In other words, government officials believe that in order to succeed at eradicating terrorism, a national sense of unity in the political, social, and educational spheres is important. Jackson cites a 2001 speech in which George W. Bush put this project in no uncertain terms: "Every nation in every region now has a choice to make. Either you are with us, or you are with the terrorists" (p. 86). Bush framed this as a political reality, a fait accompli that, we are supposed to assume, is a direct consequences of the fact that "we" are are a democratic liberal nation. But this rhetoric hides the fact that the Bush administration is making a decision, rather than a description here.

Any other possible decision was not given any kind of space. The question never raised is, therefore, what kind of citizen do "we" want to participate in this conflict? The question of citizenship is conflated with how to deal with the looming threat of terrorism. This is one such example that shows that patriotism can obscure other important democratic issues that citizens need to be educated about.

3.3 Patriotic Education: Some Arguments For and Against

History teaching is often seen as the major vehicle through which patriotic loyalties are formed and/or criticized, a pioneering piece of work in this genre being Howard Zinn's *A*

People's History of the United States (1980), which sought to re-frame common historical narratives. It is somehow assumed that history as a subject has a lot more room in which to glorify or vilify certain moments of the past in order to cast the present into a certain light. As President Bush explained in a 2002 speech about the teaching of patriotism: "When children are given the real history of America, they will also learn to love America" (Brand, 2003). However, this kind of thinking ignores the fact that other subjects, such as math, science and English have just as much potential to contain patriotic messages or biases. Ben-Porath (2009) points to the example of American science education during the Cold War, in which the curriculum "underwent vast reforms arising from the contention that the nation had to face with *Sputnik*" (p.39). This demonstrates that while history is indeed an important subject in when considering patriotic purposes, it is not the only one. In effect, any knowledge has the possibility to be constructed in such a way as to advance a certain agenda, and it is, therefore, highly important to understand if and how that agenda contributes to the project of justice.

Presenting history as a site for this kind of battle to take place also negates the real purpose of history education, which is to realize that truths are difficult to come by, and to understand the multiplicity of possible co-existing narratives. Brighthouse (2003) cites Arthur Schlesinger Jr (1992) who wrote that: "History as a weapon is an abuse of history. The high purpose of history is not the presentation of self nor the vindication of identity, but the recognition of complexity and the search for knowledge" (p. 157). Therefore, it is important to keep in mind that while the following chapter will discuss history in detail, it is not the only possible place in which patriotism can be explored nor should it be.

The following section is divided into three parts: the first examines Callan's position

for promoting patriotism in educational settings. The next two sections then look at the arguments presented by Brighthouse and Williams that are *against* patriotic education. Specifically, the arguments against patriotic education are used to promote Williams' (2003) and Ben-Porath's (2009, 2012) conception of citizenship as shared fate. While both sides present valid arguments, I intend to demonstrate that, especially taking into account real-world political turmoil, it is impossible to have a democratically legitimate patriotic education. Instead, citizenship as shared fate offers an attractive alternative that is not only workable in the modern context, but it can help students come to a fuller understanding of their role as citizens of North America, and help them see the threats to their citizenship being posed by security state politics.

3.3.1 Citizenship as patriotism

Callan (2002) gives a very good definition of patriotism, which is comprehensive in that it addresses some of the basic philosophical points patriotic education seeks to achieve:

By "patriotism" I mean active identification with one's particular nation as a cross-generational political community whose flourishing one prizes and seeks to advance; by "democratic patriotism" I mean patriotism informed by the conviction that the national community with which one identifies cannot thrive save through democratic self-rule. (p. 466).

Here it is important to note Callan's use of the term democratic patriotism, which as Westheimer (2011) points out, is different than authoritarian patriotism. Merry (2009) also uses some similar terminology which he calls loyal patriotism and critical patriotism.

All of these distinctions in terminology mean more or less the same thing; there exists a kind of patriotism which is a close cousin to nationalism and jingoism, all of which threaten the stability of a modern liberal democracy, and another kind of more benign patriotism which is desirable from a democratic point of view. Westheimer (2011) explains that often the kind of patriotism seen in public eye, especially after 9/11, is the more authoritarian patriotism:

The social psychology of authoritarian patriotism (especially in a democracy) depends on a deliberate and complicit populace. Following September 11, an abundance of American flags and bumper stickers suddenly spouted up in virtually every city, suburb, town and rural district of the country. While the flags signalled understandable solidarity in a time of crisis, other public expressions of national pride carried more worrisome messages. Fiercely nationalistic and jingoistic sentiments could be heard in bumper stickers, news broadcasts and television, as well as politics. Schools were no exception(p.83-84)

This kind of patriotism, be it called authoritarian, loyal or any other kind of modifier is the kind of patriotism which Callan (2002), Merry (2009) and Westheimer (2011) are comfortable rejecting, as it is seen as too heavy-handed and does not allow students to develop the appropriate civic skills necessary to be loyal to their country without being indoctrinated. On the other hand, Callan (2002) et al see a different kind of patriotism as not only possible, but necessary to the aim of a proper civic education. This, they call democratic or critical patriotism. As Howard Zinn (2003) explains in a debate with Peter Gibbon on the subject of patriotic education:

“I want to prepare young people to say ‘no’ to the government. There are times when you might say ‘yes’ to the government, but I’m suggesting that patriotism means being true and loyal— not to the government, but to the principles that underlie democracy” (Brand, 2003).

Zinn perhaps presents a more extreme view of what Callan is advocating for, but he nevertheless wants to see a kind of patriotism be developed which allows for a critical, yet loyal relationship to the state to be developed amongst young people. Patriotism, therefore is understood as a loyalty to the foundational principles of liberalism, not a given government or administration.

Furthermore, it must be noted once again that proponents of patriotic education, such as Callan (2002), do not want to enforce a kind of indoctrination on students, they simply see patriotic history as the best way to preserve national unity. Presently, one of the dominant models for teaching patriotic history rests upon the “Great Heroes” theory which posits that the best way to make students feel an emotional attachment to their country is to present them with famous examples of people in the past who exhibited certain behaviours that they should model themselves after. As Levinson (2012) explains: “a nation’s heroes are often thought to provide a window into understanding its soul: what the nation values and emulates and how it conceives of itself.” (p. 143). However, as she goes on to point out, this is not as easily accomplished as we would like it to be. She points to the example of Martin Luther King Jr., whom all of her students, and indeed a great many students in America, admire tremendously. Despite being so admired and revered, few students actively seek out ways to emulate him: “young people (and probably adults too) fail to recognize even that they could carry forward

King's work in any but the most anodyne ways" (p. 142).

The problem with this kind of approach is not only that it fails in practice, but the decision of who is a hero and who is not is a highly subjective one. Levinson goes on to point that: "A corollary of this approach is the potential demeaning or civic exclusion of those who are not elevated as heroes. If certain kinds of people— women or non-whites, say— are *not* elevated as heroes, then the message is that such people are also not appropriate civic leaders." (p. 145).

Callan (2000) recognizes this problem as well, and offers up the potential solution of a "multicultural history"; one that celebrates the histories of racial and ethnic minorities, as well as women. He explains that:

the history of each [African Americans, aboriginal Americans, Latinos and Asian Americans] is in substantial part a history of oppression, and though other groups can claim similar histories, these are the ones who reasonably claim that the stigmatized identity ascribed to them endures powerfully in the present. (p. 467)

While Callan does not include Muslim Americans and many other oppressed groups, such as homosexuals, in his enumeration of groups that have experienced oppression, it is reasonable (or perhaps optimistic) to assume that in the near future their experience both inside and outside the boundaries of American borders will be considered a history of oppression. This is important because teaching the histories of people who have been systematically silenced in the "normal" teaching of history is an important step in reconstructive justice. However, the question remains as to how Callan wants to see multicultural history fit into the project of patriotism, or the teaching of democratic patriotism.

His answer is that there will be tension, but it is within this tension that people must engage in dialogue, the foundation of democracy: “My point is not that democratic patriotism and multicultural history are irreconcilable and one can only be chosen of the other is renounced. Reconciliation is possible, indeed necessary. But it will be fragile” (p. 476). The idea here is to create whatever tenuous balance that one can muster between an education for patriotic values and an education in which the teaching of history does not gloss over the more unsavoury moments in history, such as slavery. The source of this reconciliation is that shared respect for the morality of democratic values will provide a means by which people from a variety of groups will be able to find a common consensus.

3.3.2 Critique of patriotic education

It is important to consider why patriotic education is problematic, and why it can have nefarious consequences. Namely, the nationalism it is capable of engendering. Callan, Westheimer and others are, as Brighthouse (2003) points out:

examples of a recent trend emphasizing nationalism’s kinder and gentler face. But the mere compatibility of patriotism with liberalism is not greatly reassuring [...]

The mere possibility that nationality or patriotism can be inoffensive tells us nothing about the likelihood that the versions of patriotism promoted by real states will be inoffensive in the appropriate way (p. 163).

This last point is especially important. The kind of benign, even useful patriotism that Callan et al espouse is theoretically possible. However, when living in a state of exception, in which the main concern of states is to preserve a climate of fear from a united populace in order to be able to wage a war, this kind of patriotism seems unlikely, if not impossible. As

demonstrated in Chapter 2, there exists a system in which there are extralegal zones and extralegal persons; systems in which race delineates how the state treats us. Torture and “torture lite” exist in places where the only law states that normal laws do not apply. Can we reasonably expect the security state to provide us with a benign form of patriotism, designed only to promote the values of democracy? Of course not. The security state, and the dangers it imposes upon human rights are very real. Any kind of coerced loyalty to this state, even if this coercion seems benign, must be treated with the utmost suspicion.

Merry (2009) cites Howard Zinn’s book *A People’s History of the United States* (1980), to explain the dangerous moral grey zone that is the teaching of patriotism. Especially in the context of the War on Terror, in which certain people are placed into race camps, the idea that we can promote one nation as somehow more deserving of loyalty over another has dire consequences for the people living in another nation. He explains:

Zinn’s book shows us the real moral peril that is incurred when the lives of innocents are seen as expendable because their deaths remain in service to a dignified ideal. He understandably worries that a patriotism only for one’s own country is doomed to see others as less than human, even deserving annihilation, if it serves the purpose of furthering America’s ‘greatness’ (p. 387).

This last part is of especial relevance to the Khadr case, and the many cases like it. Patriotism can have serious repercussions when it moves into the jingoism of the War on Terror. When we see some people as morally superior to others by virtue of the kind of state or race they were born into, we are entering into treacherous territory. When some people have rights, and others do not even have the right to rights, in order to serve the “dignified ideal” of North

American democracy, this is a problem, and a very serious one at that.

As McDonough and Cormier (2013) explain:

Brighthouse notes that even ‘soft’ coercion is still coercion, and when soft coercion is implemented in education, for instance, through the recognition of public holidays and other dominant cultural symbols, students may be guided to internalize an attachment to the nation before they are capable of choosing whether they reflectively endorse that attachment (p. 12).

In the present context, it is easy to imagine how soft coercion may play out in classroom discussions of the War on Terror. For many school aged children, it must be repeated, a time before this war either does not exist or is a foggy toddler memory, the war is bound to come up in some form or another. Students may have parents in the Armed Forces, may have parents with their own political opinion of what terrorism is, etc. A teacher may easily present to children the difference in democratic societies versus autocratic ones without going into the details of the problems with democracy at home. This kind of scenario is very troubling precisely because it strips away the critical thinking skills that a good history or civic education is supposed to provide. The tendency to reinforce the concept of unity and loyalty to the state can create a climate of uniformity, which as Merry (2009) explains, is highly troubling: “Thus in a schooling atmosphere that wittingly or unwittingly promotes uniformity, realistic options for other ways of imagining the good are denied its pupils” (p. 381). Patriotic education, therefore is problematic in the present context; it is an unworkable and unrealistic model to be applied to a classroom in the post-9/11 security state. That being said, there remains a need for some kind citizenship education, especially in the present context of the

security state.

3.3.3 Shared fate as a possible solution

Here, Melissa Williams (2003) offers us the vision of citizenship as shared fate. In essence, citizenship as shared fate sees the political process as one which affects all citizens, and therefore the common ground for which citizens to engage in political dialogue is from a position which sees all citizens as having some stake in political outcomes. Citizens come from a variety of backgrounds and may hold a variety of different opinions on what the greater social good looks like, the only thing that they have in common is the state which they are members of. Shared fate asks us to see the political process as one which affects everyone's fate and therefore there is a need for a certain kind of civic unity to accomplish this vision. As Williams (2003) argues: "we find ourselves in webs of relationships with other human beings that profoundly shape our lives, whether we consciously choose or voluntarily assent to be in these webs" (p. 229). The implication here is that plural identities are acceptable; there is no need to complicate one's relationship with the state with questions of race, gender, religion or creed. Ben-Porath (2012) explains that: "shared fate encompasses the diversity of visions, affiliations, and values that citizens hold, and it also seeks to weave the historical, political and social ties among members of the nation into a form of affiliation that would sustain their shared political project" (p.381). Whether we want to or not, we are bound by the circumstance of living in a nation, and we have certain responsibilities to carry out.

If we all agree that we share a fate, by nature of political circumstance, what is our next level of responsibility as citizens? Unlike in patriotism, these responsibilities do not

involve creating or maintaining loyalty or unity, but rather, imagining oneself as a part of a greater collective, and to act accordingly. The core elements of citizenship as shared fate, as Merry (2012) sees them, are:

- The capacity for enlarged thought
- The imaginative capacity to see oneself as bound up with others through relations of interdependence as well as thorough shared history and institutions, and
- The capacity to reshape the shared practices and institutions of one's environment through direct participation (p. 375).

Unlike patriotism, these arguments for participation and involvement with fellow citizens does not stem from a moral obligation, but rather a pragmatic one: the simple fact that political decisions affect everyone.

Ben-Porath (2009, 2012) argues that patriotism leads to a conception of citizenship as shared identity. In effect, a certain amount of acceptance of common national identity is required in patriotic citizenship, in order to overcome the both the internal challenges posed by pluralism and the external challenges posed by so-called national enemies, such as Al-Qaeda. However, she also cautions that: “framing citizenship solely as a matter of identity can exacerbate inter community tension” (2012, p. 384). This is especially relevant to the modern context. As Chapter 2 explained, the racialization process of Muslims created an environment in which it was acceptable for government officials to call detainees “inhuman” and “spawn”, and then subsequently engage in their torture. In order to be able to achieve some kind of reconciliation with the Muslim community, educators should note that students

should base their conception of citizenship on a broader ideal of what it means to be a member of a national community.

The danger here is quite real. Ben- Porath (2009) explains that: “With the first signs of threat, the public opinion tends to extend its support for the government and the education system tends to follow suit” (p. 37). This means that in the context of a state of exception or a security state, the public has a high tendency to unilaterally support government decisions, especially decisions that would never be allowed to pass through legislature in peacetime, such as the anti-terrorism legislations in the United States and Canada. Most importantly in this case, schools tend to reinforce the momentum of this tendency—a tendency that has a high probability of leading to serious injustices against vulnerable minorities. Ben-Porath (2009) provides the example of Israel, in which young people are primed from a young age to not only serve in the military, but to espouse values of militarism, nationalism and uncritical national unity through their educational training.

Williams (2003) explains that “an education for citizenship as shared fate would encourage students to develop a sense of agency and responsibility for reshaping relations of interdependence so that they better approximate the ideal of democratic legitimacy” (p. 32). Patriotic education asks students to be loyal to the state and the political ideals it embodies, under certain circumstances of liberal legitimacy. Williams, on the other hand is here asking students to develop a sense of loyalty and responsibility to *one another* because of their shared fate as members of the same political community. As a result, citizenship education must seek to somehow cultivate attitudes of loyalty and shared commitment to justice among disparate individuals and groups of citizens, while at the same time ensuring that those

citizens refuse to reify those attachments. That is, so that they treat the attachments as temporary and pragmatic and subject to dissolution should circumstances dictate that this is appropriate.

There are specific examples of how this can play out. For instance, one could teach about the patriotism engendered by the War on Terror with a critical eye, or look at nationalist movements in North America and abroad. In effect, McDonough and Cormier (2013) argue that it is important to teach students *about nationalism* in order to give them the kind of intellectual capacity needed to recognize nationalism in all of its forms, whether it be patriotic, or a more dangerous, illiberal mutation of nationalism. They explain that:

a good liberal civic education, which should aim at promoting liberal values and political stability, needs to address the ethical complexity of nationalism. More specifically, we argue that the capacities of citizens to critically evaluate the ‘legitimacy’ of political movements or claims, and more generally to be able to carefully distinguish between legitimate and illegitimate forms of nationalism, is a very important element of good citizenship in a liberal society (p.3)

The argument presented by McDonough and Cormier is one that forces us to think about how we present a given issue, and how to give students the tools they need in order to distinguish how some political movements may be more dangerous to liberal democracy than others. This sort of educational treatment of nationalism is very much compatible with a conception of citizenship education for citizenship as shared fate, whereas it seems incompatible with a conception of patriotic education, which must go beyond merely teaching about nationalism

in order to ensure that students develop attachments to a particular nation and its particular values. Developing students capable of assessing the liberal legitimacy of certain government actions fits into the “legitimate aims” of education, without inculcating or indoctrinating young people into one particular political camp or another.

3.4 Shared Fate and Restorative Justice

The argument levelled against patriotism in the previous section was that it is unworkable in a security state context. Is shared fate the same? Can it be used in the context of a violent situation in order to improve citizens or is it simply an ideal that we can aspire to in more peaceful times? Nagy (2004) provides an excellent interpretation of the shared fate argument within the context of South Africa’s Truth and Reconciliation Commission (TRC). To give some background, the TRC was a restorative justice court-like system set up by South Africa’s new government after the fall of the apartheid regime in order to try and create some civic reconciliation. Anyone convicted of racially-motivated crimes during the apartheid era was asked to step forward and tell the truth. If the convicted could prove that his or her (although by and large, those convicted of acts of violence were men) crime was racially motivated, and they gave full disclosure of their act, they were granted amnesty for that crime. Nagy (2004) explains that citizenship as shared fate within the context of reconciliation makes sense as it provides for a thin sense of identity which makes for an important change of the thick and static, racially-based identity which was used during the apartheid years.

Nagy makes an excellent use of the theory in the context of building a shared narrative. Through the TRC, citizens of the new, post-racial South Africa were able to create a

Hegelian sense of mutual recognition, in part because they recognized that their shared fates were a part of the same national, historical narrative. While Nagy concedes that the TRC, and South Africa as a whole has not fully healed from the wounds of the apartheid era, there is nevertheless value in examining the positive potential outcomes of viewing citizens as people who share a common fate. Nagy (2004) explains: “Citizens need not value their interconnections for the same reasons or to the same degree. Perhaps resignation to inevitable ties is the most that some South Africans can do. But this should not preclude the hope of a future, where “being fellow citizens” entails positively valued belonging and interdependence” (p. 650). This argument for building a shared narrative is particularly applicable to the Khadr case.

If any kind of restorative justice is ever to occur, there needs to be a common consensus as to what happened, and what the Khadr case contributes to the historical narrative of Canadian citizenship. As Williams (2003) argues: “a well-ordered society is one in which individuals agree to share one another's fate” (p. 230). Agreeing to share fates then, is the first step in being able to learn and to educate in a productive fashion.

Conclusions

Patriotism is problematic because by proposing that citizenship be based on an attachment to the nation, even the most nuanced and ethically attractive forms of patriotism are vulnerable to being corrupted by chauvinistic and bigoted forces. Shared fate, alternatively, refuses to lend its sympathy to the forces of nationalism but instead seeks to foster a sense of citizenship by appealing to the the pragmatic realities of the diverse societies

that form communities of shared fate.

If we shift the focus away from trying to find a patriotism that is compatible with liberal values, and instead work on developing real shared fate civics curriculum, then there is a real potential to be able to use civic education to promote a kind of citizenship that is different than the kind demanded by the institutions that maintain the discourse on the War on Terror. That is to say, citizenship as shared fate allows us to see each other as compatriots, bound together by circumstance, and to imagine ourselves as needing one another. As the South African example shows, it is possible to use the citizenship as shared fate model to create *restorative justice*, and perhaps this is good enough to be able to make amends between Omar Khadr and the Canadian populace.

While civic education is a tool for creating justice, it must not be assumed that I am advancing it as be-all and end-all solution. Nevertheless, if we shift the way that students are taught to imagine themselves as citizens of a nation and teach them to recognize the dangers present in nationalist and jingoistic propaganda, then real strides can indeed be made in countering some of the dangerous pedagogical narratives the security state is attempting to make us swallow.

As mentioned in the previous chapter, our liberal democracy has become stained by states that write unjust laws and practice torture. We can imagine a thousand different ways in which we can act as citizens, but until governments begin to do their part and uphold the rights we were granted when we were born in a certain nation, the struggle to maintain justice will be difficult.

Conclusions

In this thesis, I have defended the claim that the present changes in politics, particularly the politics of the War on Terror leading to the establishment of the security state have profoundly miseducational consequences. There are certain forces at work which are both insidious and complex, and they have affected the political sphere, and by extension the educational sphere in various ways. Each chapter presented a different framing of the problem, all drawing on the idea that the Khadr case is a case-in-point of how certain fundamental principles of liberal legitimacy have become skewed as to serve a distinctly illiberal security state agenda. More specifically, the Khadr case is an extreme, and morally grievous illustration of what happens when individual liberties are sacrificed on the altar of collective security.

The Khadr case points to the fact that the schooling of citizens occurs through government policies and the media as well as in classrooms. The question of what is a democratically legitimate form of action or response to violence is one which surrounds young people on a daily basis. As Apple (2011) states: “we need to recognize that democratic schooling is not just about schools, it is about what kind of society we want and what kind of politics will help us get there” (p. 23). While endorsing this point, I have also argued in this thesis that the Khadr case also illustrates the need to establish a new agenda for citizenship education in contemporary public schools. Civic education (and miseducation) both within classrooms and beyond them demands efforts to create citizens who are capable of understanding the terms by which a just society function. It must also makes them capable of recognizing those injustices that are presently at work in their political and educational

system and, if necessary, take lawful measures to correct them.

To be effective, civic education must be thorough, coherent and sustainable. It needs to advance a clear and specific vision of citizenship, and I argue that the best one we have seen so far is Williams' (2003) vision of shared fate. Williams' conception of citizenship is one that compels students to view themselves as an integral part of the greater mass of political associations and insists that they recognize that an effective, just civil society is one in which the larger goals of the nation are considered to be as important as those of its various pluralistic entities.

Khadr's case is not an isolated miscarriage of justice, but rather, as this paper illustrates, it is a cautionary tale, and the virtually inevitable tragic result of a political culture overcome with Islamophobia, fear, and suspicion. Under conditions such as these, our most fundamental values of equality, liberty and justice are under constant threat due to a notion of protecting national security that has no specific timeframe or boundaries and no clearly defined and realizable objectives, and, therefore, is confined within no legal or political limits. It is crucial that teachers inform their students about the lessons of Khadr's case and the threat to our liberties that his case and others like it represent. Political education and an informed, engaged and critical citizenry provides our best hope for the sustaining and nurturing of the principles of the just society to which we all have an inalienable, unassailable right. Through proper, critical education, there is hope.

As Giroux (2003) says: "But rather than make despair convincing, I think it is all the more important to take up Meghan Morris' argument that 'things are too urgent now to be giving up on our imagination'" (p. 197). The threat of the security state is still that: a threat. Before it

becomes an absolute reality, there is still time for young people to see security state policies as menacing to their rights and liberties, and to be taught how they can participate in democratic institutions in order to demand justice for their fellow citizens, like Omar Khadr.

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