



After 9/11: Canada, the Israel/Palestine Conflict, and the Surveillance of Public Discourse

Yasmeen Abu-Laban and
Abigail B. Bakan

Introduction: Surveillance and Public Discourse

Since September 11, 2001, a growing body of scholarship has traced the intensification of surveillance in countries of the industrialized West, but less attention has been paid to analyzing the impact of surveillance of discourse, particularly public discourse normally considered a hallmark of liberal democratic freedoms of speech and association. In this article we consider the case of Canadian public discourse and illustrate how surveillance has intensified in regard to freedom of expression on the Israel/Palestine conflict. Since 9/11, interventions from Canadian state actors—or Canadian state actors operating in concert with some civil society (non-state) actors in Canada and abroad—have created a qualitatively distinct climate governing actual or perceived criticism of Israeli state policies and/or human rights abuses toward Palestinians.¹ As a consequence, historically hard won and protected rights, including academic freedom, freedom of speech, and freedom of assembly, have been threatened. This situation is complicated, however, because the grounds for such interventions are frequently framed as protecting the public against “terrorism” or against “hate” (specifically in the form of anti-Semitism, here meaning anti-Jewish racism) rather than overt challenges to the right to public expression. Consequently, what might be fairly characterized as a state-led challenge to the cosmopolitan duty to speak for truly universal human rights and against rights abuses, is framed as its opposite, as a defence of such freedoms. This complication necessitates more focused attention on racism and processes of racialization as features of this particular form of post-9/11 surveillance.

To address this, we build on work highlighting the globalization of Israeli surveillance technologies and practices (a process called “Israelization”) and

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¹ Yasmeen Abu-Laban and Abigail B. Bakan, “The ‘Israelization’ of Social Sorting and the ‘Palestinianization’ of the Racial Contract: Reframing Israel/Palestine and the War on Terror,” in *Surveillance and Control in Israel/Palestine: Population, Territory and Power*, ed. Elia Zureik, David Lyon, and Yasmeen Abu-Laban (London: Routledge, 2011).

the globalization of certain racialized forms of social sorting (a process called “Palestinianization”).² We suggest that the everyday racism and experience of separation and “social sorting”³ experienced by Palestinians in Israel/Palestine (a conflict zone marked by decades of violence and military occupation) has been extended to Western liberal democracies through ideologically constructed markers of difference associated with the “war on terror.” Accordingly, “Islamic” beliefs, “Arabic” origins, and/or racial stereotypes based on ascribed phenotypical characteristics have become markers for differential treatment in the name of fighting “terrorism.”⁴ In addition, in the years since 9/11, Canada’s trade, security, and surveillance links with Israel have grown.⁵ In this article we argue that the Canadian case, in the post-9/11 period, reflects an intensification of racialization and surveillance of the Arab/Muslim/Orientalized Other (or those seen to be in cahoots with the “Other”) and that this, along with a growing normalization of relations between the Canadian and Israeli states, carries implications for Canadian public discourse.

In what follows, we draw upon accounts from media, government, and non-governmental organizations (NGOs) to highlight notable moments in the Canadian state’s deepening ties with Israel, tracing direct intervention in public discourse regarding the Israel/Palestine conflict. As will be detailed, the regulation of public discourse on the part of state and non-state actors in Canada is aimed to influence universities, civil society events, access to meetings and events with international speakers, and even the expressions of NGOs abroad. In addition, the regulation of public discourse has impacted the securitization of borders, immigration, and surveillance in light of an ascribed “terrorist threat.” The latter is similar to the construction of the Palestinians in relationship to Israel—but in this case it may be extended to non-citizens and to diasporic communities who are citizens in Canada. This has resulted in a new and distinct pattern of surveillance, or watching, of words, loyalty, and organizations according to asserted political views regarding the Israel/Palestine conflict.

Although this article focuses on Canada, it is relevant to note that along with denying Palestinians in exile access to public space,⁶ this pattern of watching of words, organizations, and loyalty is a hallmark feature of

² Ibid.

³ David Lyon, *Surveillance Studies: An Overview* (Cambridge: Polity Press, 2007), 1.

⁴ Abu-Laban and Bakan, “The ‘Israelization’ of Social Sorting.”

⁵ Government of Canada, *Harper Government Announces Exploratory Talks to Expand the Canada-Israel Free Trade Agreement*, Department of Foreign Affairs and International Trade (DFAIT) Canada (October 10, 2010), http://www.international.gc.ca/media_commerce/comm/news-communiqués/2010/330.aspx; Public Safety Canada, *Declaration of Intent Between the Department of Public Safety and Emergency Preparedness of Canada and the Ministry of Public Security of the Government of the State of Israel* (March 23, 2008), <http://www.publicsafety.gc.ca/media/nr/2008/nr20080323-1-eng.aspx>; Kole Kilibarda, “Canadian and Israeli Defense—Industrial and Homeland Security Ties: An Analysis” (working paper, The New Transparency: Surveillance and Social Sorting Project, Queen’s University, November 2008), <http://www.sscqueens.org/resources/online-reports>.

⁶ Zalman Amit and Daphna Levit, *Israeli Rejectionism: A Hidden Agenda in the Middle East Peace Process* (London: Pluto Press, 2011), 135–56.

Israel's surveillance practices. For example, the Israeli state has prohibited the word *Nakba* from being used in educational curricula and will not fund NGOs holding *Nakba* commemorations.⁷ *Nakba* or "catastrophe" is a common term used by Palestinians in reference to their collective experience of becoming stateless in and outside of mandatory Palestine after 1948. In addition, there remain ongoing discussions over having Palestinian Christian and Palestinian Muslim citizens of Israel declare an oath of loyalty to Israel as a "Jewish, Zionist, and democratic state."⁸

In our discussion of Canada, this article takes a threefold approach. First, we consider the new emphasis on the part of state actors at the national, provincial, and local levels, with watching words—especially the words "Israeli apartheid." Second, we address the post-9/11 fixation on surveilling, or watching, loyalties in the name of combating terrorism. Third and finally, we consider novel forms of watching organizations, which have led to some unprecedented interventions on the part of the national state vis-à-vis NGOs, as well as arms-length agencies. As we demonstrate, while the racialized lens of "Palestinianization" has particularly impacted Arab and/or Muslim Canadians, it has also targeted others who are neither Arab nor Muslim. Notably, these heightened forms of post-9/11 watching have been heavily contested in Canadian surveillance politics.

In navigating this complex terrain, a note on our positions as authors is merited. While we reject essentialism as a basis for analysis, we recognize that discussions of Israel/Palestine have not been normalized within the academy or academic scholarship, or indeed, in public discourse generally. Moreover, we recognize we are dealing with some thorny issues concerning the construction of racism and racialization. Therefore, in our joint writing together we have consistently positioned ourselves as scholars who reflect on both the Palestinian (Abu-Laban) and Jewish (Bakan) diasporic and cultural experiences.

Watching Words: The "Apartheid" Analytic and Israel

All three levels of government in Canada have evinced a new interest in watching and even attempting to regulate speech about Israel/Palestine—particularly the term *apartheid* as applied to Israel. The use of the term *apartheid* serves as an important point for political mobilizing in support of Palestinian human rights, not least because the dismantling of apartheid in South Africa suggests the possibility of social change and social justice.⁹ Moreover, South African apartheid has provided a point of comparison for many countries and phenomena, but has only proved highly controversial when the

⁷ Elia Zureik, "Colonialism, Surveillance, and Population Control: Israel/Palestine," in *Surveillance and Control in Israel/Palestine: Population, Territory and Power*, ed. Elia Zureik, David Lyon, and Yasmeen Abu-Laban (London: Routledge, 2011), 17.

⁸ *Ibid.*

⁹ See generally Abigail B. Bakan and Yasmeen Abu-Laban, "Israel/Palestine, South Africa and the 'One-State Solution': The Case for an Apartheid Analysis," *Politikon: South African Journal of Political Studies* 37, 2–3 (2010), 331.

comparison has been made with Israel.¹⁰ Nonetheless, in recent years, the analysis of Israel as an apartheid state has become increasingly common in comparative and legal scholarship, public policy analysis, and media reports.¹¹ While there is not a single, universalized manner in which the term is applied, generally the frame follows from the establishment of apartheid as an international crime against humanity, where legislated differential access to rights based on racialized criteria is deemed illegal. While some academic authors dispute a direct parallel between Israel and South African apartheid—an Afrikaans term literally meaning “separateness”—the analytical framework actually prompts scholarly investigation of both similarities and differences. From this perspective, any given form of apartheid, not least the Israeli, is understood to have unique characteristics.¹²

Reflecting the constricted public discourse in Canada, however, the application of the term apartheid to Israel has become the subject of particular scrutiny and intervention, where the association is claimed to be an expression of anti-Semitism. We note that this is a commonly ill-defined term and suggest that it has in fact been adopted to refer to three distinct forms of expression. The first and most common meaning is that anti-Semitism is synonymous with *anti-Jewish racism*. There is no doubt of the reality of such prejudicial expressions, though, like all forms of racism, anti-Jewish racism has changed in various historical and social contexts. European or “Ashkenazi” Jews, historically, as Karen Brodtkin identifies, were “less than white,” forced into ghettos, denied basic civil rights, and subject to specific discriminatory practices.¹³ The most violent and extreme is indicated in the Holocaust, but other forms include quotas in post-secondary educational institutions in the United States and Canada, or racial stereotyping that continues ubiquitously not least in Europe and North America. But since the state of Israel has been constructed to favour “Jewish,” and specifically Ashkenazi Jewish, nationality, or “citizenship” rights, Jews of European descent in Israel are in fact a privileged sector, and comparison with the experience of the whites of apartheid South Africa can be reasonably suggested. The same cannot be said of other Jewish populations, including Sephardic or Arabic Jews, or the black Jews of Ethiopian heritage, in Israel or in other countries.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid; Uri Davis, *Apartheid Israel: Possibilities for the Struggle Within* (London: Zed Books, 2003); John Dugard, “Convention on the Suppression and Punishment of the Crime of Apartheid” (United Nations Audiovisual Library of International Law, 2008). <http://www.un.org/law/avl/>; John Dugard, “Foreword,” in *Israeli Apartheid: A Beginner’s Guide*, ed. Ben White (London: Pluto, 2009); Richard Falk, *Situation of Human Rights in the Palestinian Territories Occupied Since 1967* (United Nations General Assembly, Sixty-third Session, Item 67(c) of the Provisional Agenda, 2008); Hazem Jamjoum, “Not an Analogy: Israel and the Crime of Apartheid,” *Common Dream*, March 31, 2009, <http://www.commondreams.org/view/2009/03/31-15>.

¹³ Karen Brodtkin, *How Jews became White Folks and What That Says about Race in America* (New Brunswick, NJ: Rutgers University Press, 1999), 23.

A second, and different, meaning accorded to the term anti-Semitism is *anti-Judaism*, a form of prejudice based specifically on theological perspective or religious belief. Such prejudice, unlike that based on race, assumes the possibility of change, based on conversion. Anti-Judaism is not grounded in phenotypal characteristics from birth to the grave and can be, and is often, changed. This form of prejudice was characteristic of ancient and feudal periods and closely attached to the role of Jews in certain categories of labour, specifically trade, and finance: this form of prejudice is displayed, for example, in Shakespeare's classic play *The Merchant of Venice*. While there are links between patterns of anti-Judaism to anti-Jewish racism, they are not reducible to one another, though the uniform use of the term *anti-Semitism* serves to blur the distinction.

A third meaning of the term anti-Semitism, often referred to as the "*new anti-Semitism*," is, however, far removed from normative concerns to address racial or religious prejudice. This meaning of the term is misused, with the political motivation to challenge legitimate criticisms of the policies and practices of the State of Israel. Tarnishing those who challenge Israel's policies, particularly regarding Palestinian claims for justice and self-determination, to be motivated by anti-Jewish racism serves to silence public discourse and limit freedom of expression.

However, it is in terms of the third use of anti-Semitism, in relation to criticism of Israeli state policies, that the apartheid analysis is commonly viewed at the least as inappropriate, but increasingly as a form of hate speech and therefore meriting repression. This reductive and distorted claim of hate has been used to suppress freedom of expression among Palestine solidarity activists, as well as academic freedom among scholars who may point to a host of racially designated social sorting policies and practices.¹⁴ This surveillance, and charge of hate, has created a chilly climate for legitimate public criticism of existing Israeli state policies and practices in Canadian public discourse. This has been most apparent in the varied responses of different universities to the annual educational event Israeli Apartheid Week (IAW); indeed, four Canadian university administrations chose to ban the 2009 poster advertising IAW,¹⁵ an unusual practice on Canadian university campuses.

The context for such suppression, significantly, traces to the messaging of the Canadian government. In 2009, Jason Kenney, Minister of Citizenship and Immigration, stated he was "deeply concerned" by Israeli Apartheid Week events on Canadian university campuses and rhetorically asked "whether these activities are beneficial or are simply an effort to cloak hatred and intolerance in an outward appearance of 'intellectual inquiry'."¹⁶

¹⁴ Bakan and Abu-Laban, "Israel/Palestine, South Africa and the 'One-State Solution'."

¹⁵ See generally Mary-Jo Nadeau and Alan Sears, "The Palestine Test: Countering the Silencing Campaign," *Studies in Political Economy* 85 (2010), 7.

¹⁶ Citizenship and Immigration Canada, *Minister Kenney Issues Statement on Israeli Apartheid Week* (March 3, 2009), <http://www.cic.gc.ca/english/DEPARTMENT/media/statements/2009/2009-03-03.asp>.

In 2010, Conservative backbench Member of Parliament (MP) Tim Upall attempted to pass a motion in the Canadian House of Commons that held, “That this House condemns Israeli Apartheid Week for seeking to delegitimize the State of Israel by equating it with the racist South African apartheid regime.”¹⁷ While this motion failed, it is relevant to note that the leaders of the two main political parties in Canada, the governing Conservative Party under Stephen Harper, and the Liberal Party when it was in Opposition under Michael Ignatieff, both made a point to go on public record, again unusually, to challenge the student-led IAW event on Canadian university campuses on grounds of the application of the apartheid analysis to the Israeli state.

Further, on March 7, 2011, in apparent anticipation of Israeli Apartheid Week, which commonly occurs in the month of March, and also of a federal election (which took place on May 2, 2011), Ignatieff issued a public statement on his website under the “Multiculturalism and Diversity” tag, stating that “Israeli Apartheid Week is an attack on the mutual respect that holds our society together” and called on “all Canadians” to join the Liberals in “condemning Israeli Apartheid Week here in Canada and around the world.”¹⁸ On March 10, 2011, both Harper and Ignatieff addressed an audience hosted by the pro-Israel advocacy group, the Canadian Jewish Political Affairs Committee, in Toronto. Harper decried “anti-Semitism” on university campuses, especially IAW, which he maintained makes anti-Semitism increasingly “intellectually acceptable.”¹⁹

That this was about the regulation of discourse and not managing intellectual clarity regarding anti-Jewish racism or hate speech is indicative, not least, in Michael Ignatieff’s own prior usage of the apartheid frame in relation to Israel/Palestine. Ignatieff had himself advanced the comparison in an article in the *Guardian* in 2002 in referring to a Palestinian “Bantustan” while he was Director of the Carr Centre for Human Rights Policy at the Kennedy School of Government at Harvard University in the United States.²⁰

The charge that analysis of Israel as an apartheid state is equivalent to anti-Semitism has extended beyond the rhetoric of federal politicians to impact other levels of government. This includes legislation passed in the Ontario legislature as a private member’s bill in 2010, endorsed by members of the provincial Conservative, Liberal, and New Democratic parties, condemning Israeli Apartheid Week, on grounds that the event

¹⁷ House of Commons, *Debates* 145, 7 (2010), 1520.

¹⁸ Michael Ignatieff, *Statement by Liberal Leader Michael Ignatieff on Israeli Apartheid Week* (March 7, 2011), <http://www.liberal.ca/newsroom/news-release/statement-liberal-leader-michael-ignatieff-israeli-apartheid-week/>.

¹⁹ Sarah Boesveld, “Ottawa Slams Israeli Apartheid Week,” *National Post* (March 11, 2011), <http://www.nationalpost.com/news/Ottawa+slams+Israeli+Apartheid+Week/4427045/story.html> (last accessed August 28, 2011).

²⁰ Michael Ignatieff, “Why Bush Must Send in His Troops: Imposing a Two-State Solution is the Last Chance for Middle East Peace,” *The Guardian* (April 19, 2002), <http://www.guardian.co.uk/world/2002/apr/19/israel3>; Derrick O’Keefe, *Michael Ignatieff: The Lesser Evil?* (London: Verso, 2011).

“serves to incite hatred against Israel . . . and the use of the word ‘apartheid’ in this context diminishes the suffering of those who were victims of a true apartheid regime in South Africa.”²¹ The apartheid debate has also extended to the Toronto municipal government, when efforts to regulate the public discourse associated with the annual LGBTQ pride parade became particularly contentious. This debate came to focus on the question of the inclusion of one activist organization, Queers Against Israeli Apartheid (QUAIA), in Pride, marking the first instance on public record of an attempt to ban a group from participating in the normally inclusive celebrations of civil society in the city.²² Similar debates recurred in 2011.²³

During the course of the debate regarding QUAIA, a quasi-parliamentary coalition was considering similar matters in relation to Canadian discursive space more broadly, under the rubric of the Canadian Parliamentary Coalition to Combat Antisemitism (CPCCA). Constituted in March 2009 and issuing its final report in July 2011, many parliamentarians participated and endorsed this body, even though it had no formal parliamentary standing. Its self-assigned motivation was to investigate the problematically termed “new anti-Semitism.” The CPCCA gave itself the project to investigate “evidence of a global rise in anti-Semitic incidents and a return to traditional anti-Semitic themes in international discourse.”²⁴ The CPCCA followed from the participation of Canadian parliamentarians in the preceding Inter-Parliamentary Committee for Combating Antisemitism (IPCCA) that had met in London, UK, in February, 2009. These are examples of the unfortunate, and dangerous, misuse of the term anti-Semitism, as noted previously, on the part of both the Conservative and Liberal party leaderships. Unfortunately, such misuse serves not only to threaten freedom of expression, but also to trivialize the very real and serious examples of anti-Semitism as anti-Jewish racism that have a long and tragic history in Canada.²⁵

Both the CPCCA and the IPCCA were organized in response to the withdrawal of several states—including Israel, Canada, and the United States—from the United Nations–sponsored 2001 World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR) held in Durban, South Africa, and the subsequent 2009 Durban Review Conference held in Geneva, Switzerland. Canada, under the

²¹ Legislative Assembly of Ontario, Hansard, “Israeli Apartheid Week” (February 25, 2010), http://www.ontla.on.ca/web/houseproceedings/house_detail.do?Date=2010-02-25&Parl=39&Sess=1&locale=en#P609_160349.

²² Daniel Dale, “Pride Prohibits Phrase ‘Israeli Apartheid,’” *TheStar.com* (May 21, 2010), <http://www.thestar.com/printarticle/813053>.

²³ QUAIA Deputation, “QUAIA Deputation—Pride 2011,” *rabble.ca* (May 27, 2011), <http://rabble.ca/print/rabbletv/program-guide/2011/05/best-net/quaiia-deputation-pride-2011>.

²⁴ Canadian Parliamentary Coalition to Combat Antisemitism (CPCCA), “Report of the Inquiry Panel” (July 2011), 1.

²⁵ See Irving Abella and Harold Troper, *None is Too Many: Canada and the Jews of Europe, 1933–1948* (Toronto: Lester and Orpen Dennys, 1983).

Conservative government of Stephen Harper, was a noted world leader in urging countries to refuse to participate in the 2009 Durban Review conference, on the claimed grounds that criticisms of Israel's actions toward Palestine and Palestinians, voiced in the 2001 WCAR conference, were expressions of a new anti-Semitism. However, this was at the time, and remains, a highly contested claim. For example, a joint statement signed by a broad range of civil society organizations in Canada, including the African Canadian Legal Clinic, the Canadian Arab Federation, the Canadian Labour Congress, and Independent Jewish Voices, presented in 2009 by a delegation of Canadian observers, noted: "Canada's refusal to participate in the UN process is a demonstration of its failure to acknowledge the persistence of racism and state responsibility to address it."²⁶ Many stakeholders who remained involved in the WCAR process and shaped the final declarations, while not denying the expression by members of some delegations of some very specific anti-Semitic comments, maintained that such expressions were sharply challenged at the time and not reflective of the totality of the conferences, and a convenient escape route from dealing with the legacies of racism in the West, especially the growing demand for reparations for transatlantic slave trade.²⁷

The CPCCA's claims to neutrality have been widely considered suspect. While starting out as a coalition with representation from all political parties, the Bloc Québécois withdrew from the process by March 2010.²⁸ Other sources similarly challenged the investigative process of the CPCCA, which claimed to base its findings and recommendations on a series of hearings from deputations. One detailed account noted that only a small percentage of submissions critical of the assumptions of the Coalition were invited to attend hearings (held between November 2, 2009, and February 8, 2010); and, of those represented, many of the selected "experts" were from Europe, Israel, and the United States.²⁹ Michael Keefer maintains the CPCCA's "self-defined terms of reference make clear its intention to brand criticism of the state of Israel within Canadian universities and the media as anti-Semitic."³⁰ Among the CPCCA's highlighted recommendations is

²⁶ African Legal Clinic et al., "Joint Statement of the Canadian Civil Society," *Durban Dispatches* (April 24, 2009), <http://clcdurbandispatches.blogspot.com/2009/04/canadian-labour-congress-durban.html>.

²⁷ Danny Glover, "Race and the Obama Administration," *The Nation* (April 20, 2009), <http://www.thenation.com/article/race-and-obama-administration>; Naomi Klein, "Minority Death March: Jews, Blacks and the 'Post-Racial' Presidency," *Harper's* (September 2009), 53.

²⁸ Canpalnet Ottawa, "Tainted by Partisanship, the Canadian Parliamentary Coalition to Combat Antisemitism Loses Bloc Québécois" (March 12, 2010), <http://www.canpalnet-ottawa.org/BQ-CPCCA.html>.

²⁹ Palestine Freedom of Expression Campaign (PFEX), "The CPCCA's Hidden Message: Silencing Criticism of Israeli Apartheid" (May 2010), <http://www.freeexpressionpalestine.org>.

³⁰ Michael Keefer, *Anti-Semitism Real and Imagined: Responses to the Canadian Parliamentary Coalition to Combat Anti-Semitism* (Toronto: Canadian Charger, 2010), 7–8.

“the sponsorship of conferences at universities that seek to counter anti-Semitic events, such as ‘Israeli Apartheid Week’.”³¹ However, the final CPCCA report falls short of calling for overt banning of the term. Notably, one of the Coalition’s two named ex-officio members is Irwin Cotler—a former Liberal Party Minister of Justice and Attorney General and a well-known Israel advocate. In the Israeli daily *Haaretz*, days before the release of the CPCCA report, Cotler was reported to have concluded that while referring to Israel as an apartheid state is, to him, “distasteful,” it is nonetheless “within the boundaries of argument” that is part of legitimate free speech.³² The CPCCA report in fact is contradictory in its tone and content on this point.³³

In light of these contradictions, it can be anticipated that the surveillance of the word *apartheid* in public discourse will continue in Canada. The links among the federal, the local, and the global in the pattern of Israelization of public discursive space blur lines of government accountability.

Watching Loyalty: From Maher Arar to George Galloway

Since 9/11, the threat of terrorism, and anti-terrorist legislation in response, have been mobilized to render citizens to torture, and to regulate the movement and expression of non-citizens; in both instances “loyalty” has been read through views on Israel. Any discussion of Israel and contemporary political discourse needs to address the claim of all the main political parties in that state that Israel is a “Jewish state,” which therefore assumes a certain natural loyalty among diasporic Jewish citizens outside of that state. However, distinctions need to be drawn between Judaism, as a religion or theology; Jewishness as a cultural identity; and the secular political ideology of Zionism. Modern Zionism is a political strategy and ideology that arose in Europe and, by the early twentieth century, came to view Palestine as the place for consolidating a state that could serve as both a homeland and safe haven for Jews facing systemic racialized discrimination in Europe. What UK Foreign Secretary Arthur Balfour so vaguely described in his famous 1917 Declaration as the “existing non-Jewish communities in Palestine” (i.e., the indigenous Arab Muslim and Arab Christian populations) has proven to complicate the Zionist project, most significantly the formation of Israel in 1948 and its continued relations with the indigenous Palestinian

³¹ Canadian Parliamentary Coalition to Combat Antisemitism (CPCCA), “Canadian Parliamentary Coalition to Combat Antisemitism Releases Final Inquiry Panel Report” (July 7, 2011), <http://www.cpcca.ca>.

³² David Sheen, “Canadian MP Cotler: Calling Israel an Apartheid State Can Be Legitimate Free Speech,” *Haaretz* (July 1, 2011), <http://www.haaretz.com/misc/article-print-page/canadian-mp-cotler-c...gitimate-free-speech-1.370545?trailingPath=2.169%2C2.212%2C2.214%2C>.

³³ See generally James Cairns and Susan Ferguson, “Human Rights Revisionism and the Canadian Parliamentary Coalition to Combat Antisemitism,” *Canadian Journal of Communication* 36 (2011), 415.

population. Israel is clearly a Zionist state, but its claim to represent or advance the interests of a constructed notion of “Jews” internationally is highly contested, not least among the diasporic Jewish community.³⁴

Canada has had a close relationship with Israel since its foundation.³⁵ However, in the post-9/11 period, and particularly under the administrations of Conservative Party Prime Minister Stephen Harper, there has been a notable shift. Canada has abandoned its appearance of “balance” in its interests between Israel and the Palestinians and moved to adopt a position that is unconditionally and staunchly “pro-Israel.”³⁶ In this sense, Canada in the post-9/11 period has equaled, and perhaps even surpassed, the uniquely close relationship the United States has had with Israel.³⁷ The administrations of Stephen Harper have earned a new reputation in the international arena regarding human rights, and not least in regard to the rights of Palestinians. Thus, according to Alex Neve, secretary general of Amnesty International Canada, in recent years Canada has developed “a problem with regard to some human rights issues and has in fact started to get in the way of protection.”³⁸

One graphic demonstration of Canada’s close association with Israel was symbolized by the Canadian government’s response to the expulsion by the Venezuelan government of its Israeli ambassador during Israel’s war on Gaza in December 2008–January 2009. Israel’s diplomatic interests in Venezuela were taken over by the Canadian embassy;³⁹ this step indicated that Canada was legally acting as the Israeli state in the international arena. This close political identification between Israel and Canada may be linked to a particular post-9/11 “war on terror” framing of security, which posits the interests of all Western states as identical to Israel.⁴⁰ This allows, in turn, for Israel’s occupation and recent wars to be constructed in global terms. As Israeli historian Ilan Pappé summarizes, “the Islamist character of both Hamas and Hezbollah and an alleged, and totally fabricated,

³⁴ Abigail Bakan, “The ‘Jewish Question’: Reconsidering Race, Class and Colonialism,” in *Theorizing Anti-Racism: Rethinking the Tensions Between Marxism and Critical Race Theory*, ed. Abigail B. Bakan and Enakshi Dua (manuscript); Hannah Arendt, *The Jewish Writings* (New York: Schocken, 2007); Judith Butler, “The Charge of Anti-Semitism: Jews, Israel, and the Risks of Public Critique,” in *Postzionism: A Reader*, ed. Laurence J. Silberman (New Brunswick, NJ: Rutgers University Press, 2008).

³⁵ See generally Yasmeen Abu-Laban and Abigail B. Bakan, “The Racial Contract: Israel/Palestine and Canada,” *Social Identities: Journal for the Study of Race, Nation and Culture* 14, 5 (September, 2008), 637.

³⁶ See generally Donald Barry, “Canada and the Middle East Today: Electoral Politics and Foreign Policy,” *Arab Studies Quarterly* 32, 4 (2010), 191; Yves Engler, *Canada and Israel: Building Apartheid* (Vancouver: RED Publishing, 2010).

³⁷ Abu-Laban and Bakan, “The Racial Contract,” 647.

³⁸ Louisa Taylor, “Canadians No Longer Always Good Guys: Amnesty,” *Ottawa Citizen* (February 2, 2009), <http://www.canada.com/news/Canadians+always+good+guys+Amnesty/1242167/story.html>.

³⁹ Yves Engler, “Canada Becomes Israel,” *Electronic Intifada* (February 12, 2009), <http://electronicintifada.net/content/canada-becomes-israel/8058>.

⁴⁰ Abu-Laban and Bakan, “The ‘Israelization’ of Social Sorting.”

association of both with al-Qaeda, enabled the [Israeli] army to imagine Israel spearheading a global war against jihadism in Gaza.”⁴¹

As several authors have noted,⁴² Israel has marketed itself as a global expert in combating the “Islamic” or “Arab” terrorism held to be responsible for the type of security threats associated with the 9/11 attacks, and with an intensification of profiling based on the techniques and experiences of the conflict zone of Israel/Palestine. This is despite the reality that what might be labelled terrorist attacks—such as the one by an anti-Muslim activist that took the lives of 91 victims in Oslo and Utoya Island in Norway in July, 2011—often in fact defy the efficacy of racial profiling.⁴³

Nonetheless, forms of profiling by state officials directed at Canadians who are, or are perceived to be, Arab and/or Muslim took place almost immediately following 9/11.⁴⁴ The case of Maher Arar has come to broadly symbolize the unfairness of profiling and the “new normal” after 9/11. Here one’s perceived or actual ethnicity, race, religion, citizenship status, or even dual citizenship status may trigger doubts about belonging, loyalty, and “Canadianness.”⁴⁵ Arar, who immigrated to Canada at the age of 17 from Syria, not only fit the stereotype of the Arab/Muslim/Orientalized Other, but his status as a dual citizen of Syria and of Canada also made it possible for state officials, Members of Parliament, and the media to “read him out” of being Canadian and label him instead as a “terrorist.”⁴⁶

Arar’s story, familiar to Canadians as well as many outside Canada, began upon his return to Ottawa from a vacation in Tunisia via New York’s John F. Kennedy Airport on September 26, 2002. There he was detained by American officials of the former Immigration and Naturalization Service (INS), now Department of Homeland Security (DHS), on grounds of being a member of a terrorist organization. Arar’s ongoing interrogation over several days in New York involved, among other things, two FBI agents asking him questions for five hours about Osama bin Laden, Iraq, and,

⁴¹ Ilan Pappé, “The Killings Fields of Gaza 2004–2009,” in *Gaza in Crisis: Reflections on Israel’s War Against the Palestinians*, ed. Noam Chomsky and Ilan Pappé (Chicago: Haymarket Books, 2010), 180.

⁴² Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Toronto: Alfred A. Knopf Canada, 2007); Neve Gordon, “Israel’s Emergence as a Homeland Security Capital,” in *Surveillance and Control in Israel/Palestine: Population, Territory and Power*, ed. Elia Zureik, David Lyon, and Yasmeen Abu-Laban (London: Routledge, 2011); Reg Whitaker, “Behavioural Profiling in Israeli Aviation Security as a Tool for Social Control,” in *Surveillance and Control in Israel/Palestine: Population, Territory and Power*, ed. Elia Zureik, David Lyon, and Yasmeen Abu-Laban (London: Routledge, 2011).

⁴³ R. Cort Kirkwood, “Norwegian Bomber Is Fundamentalist Christian, Officials Say,” *The New American* (July 23, 2011), <http://www.thenewamerican.com>.

⁴⁴ See generally Yasmeen Abu-Laban, “Liberalism, Multiculturalism and the Problem of Essentialism,” *Citizenship Studies* 6, 4 (2002); Yasmeen Abu-Laban, “The New North America and the Segmentation of Canadian Citizenship,” *International Journal of Canadian Studies* 29, 1 (2004).

⁴⁵ Abu-Laban, “The New North America.”

⁴⁶ Yasmeen Abu-Laban and Nisha Nath, “From Deportation to Apology: The Case of Maher Arar and the Canadian State,” *Canadian Ethnic Studies* 39, 3 (2007).

significantly for this discussion, Palestine.⁴⁷ Arar was eventually given an INS document notifying him he was deemed inadmissible to the United States because he belonged to Al Qaeda, an accusation he denied. Despite his explicit request to return to Canada and not be sent to Syria, on October 8, 2002, Arar was sent to Jordan and ultimately Syria; he remained imprisoned in Syria where he was tortured for close to a year before finally being returned home to Canada on October 7, 2003.⁴⁸

Although Arar's plight at first garnered little media attention or sympathy in Canada, the campaign by Arar's spouse, Monia Mazigh, helped reverse this situation.⁴⁹ By the time of Arar's return to Canada, the questions raised by this case, not least the question of collusion between Canadian and American officials in Arar's rendition to torture, resulted in public pressure in Canada for a fact-finding commission. The Arar Commission clearly concluded that Arar was innocent of all charges of terrorism. In response, in 2007, Prime Minister Stephen Harper, who had previously publicly denounced Arar as a "terrorist" and cautioned the previous Liberal government against his release from Syria, extended an apology and \$10.5 million in compensation to Arar "for any role Canadian officials may have played."⁵⁰

The details of Arar's case raise several profound issues relating to law and human rights, both in the United States and in Canada. As Lobel observes, regarding the US side, "Canadian officials told their American counterparts they would place Arar under surveillance. But that was obviously not sufficient for the U.S. government, which wanted Arar interrogated using methods that it knew Syria, but not Canada, could and would use."⁵¹ On the Canadian side, the complicity and collusion of Canadian officials in Arar's rendition to torture alongside the public commission, apology, and compensation reveal a profound tension. This tension is between, on the one hand, lawlessness, exception, and racialized violence, where torturing the racialized Other may be deemed more expedient and desirable than mere surveillance, and, on the other hand, the rule of law, due process, and multiculturalism, which afford opportunities for individual and collective resistance to racialized violence.⁵²

If the post-9/11 "Palestinianization" of racialization was symbolized by Arar, issues of loyalty and the branding of "terrorists" have not remained confined only to racialized Others. "Palestinianization" has also extended to include those deemed to collaborate with the Other. This feature was poignantly underscored in the events surrounding British MP George Galloway's 2009 speaking tour to Canada. Galloway, a long-time social justice activist and political figure, got involved with the Labour Party as a teenager and

⁴⁷ Jules Lobel, "Extraordinary Rendition and the Constitution: The Case of Maher Arar," *Review of Litigation* 28, 2 (2008), 482.

⁴⁸ Lobel, "Extraordinary Rendition and the Constitution," 483–85.

⁴⁹ Abu-Laban and Nath, "From Deportation to Apology."

⁵⁰ *Ibid.*

⁵¹ Lobel, "Extraordinary Rendition and the Constitution," 487.

⁵² Abu-Laban and Nath, "From Deportation to Apology."

was one of the youngest constituency party secretaries in Dundee in his native Scotland in the early 1970s. He went on to serve as an MP in the House of Commons of the United Kingdom from 1987 until 2010, and he was re-elected in 2012. Initially a Labour MP, Galloway split from the Labour Party of Tony Blair in October 2003 as a result of his opposition to the war in Iraq, and he went on to form the anti-war coalition party Respect. In the wake of the Israeli war on Gaza (December 2008–January 2009) Galloway was invited to speak in Toronto by the Toronto Coalition to Stop the War on the topic of “Resisting War from Gaza to Kandahar.”⁵³ However, the Canada Border Services Agency (CBSA) sent Galloway a letter on March 20, 2009, indicating that, according to a “preliminary assessment,”⁵⁴ he was inadmissible to Canada on grounds of security; more specifically, it was claimed that the aid convoy (“Viva Palestina”) to the people of Gaza, led by Galloway, was supporting Hamas and, therefore, terrorism.⁵⁵

On September 27, 2010, the Federal Court of Canada ruled that the Minister of Citizenship and Immigration, Jason Kenney, who oversees CBSA, had attempted to block Galloway from entering Canada for political reasons. Indeed, prior to Galloway receiving a letter from the Canadian High Commission, the Canadian Security and Intelligence Service had made it clear that there were no security concerns about Galloway.⁵⁶ The ruling noted that “the efforts to keep Mr. Galloway out of the country had more to do with antipathy to his political views than with any real concern that he had engaged in terrorism or was a member of a terrorist organization.”⁵⁷ This ruling cleared the way for George Galloway to come to Canada and to speak on a national tour, tellingly titled “Free Palestine, Free Afghanistan, Free Speech,” in the fall of 2010. It is notable that between the initial charge of inadmissibility and the September 2010 ruling, Galloway was admitted into the United States, Canada’s closest security partner, on three different occasions.⁵⁸

While the Federal Court offered a means to appeal an unprecedented case, ruling that a sitting member of the UK Parliament was inadmissible to Canada, the facts are troubling in regard to the surveillance of public discourse. The Galloway incident is a graphic instance in which “border security” and “anti-terror” laws were misleadingly invoked to watch the loyalties of a British politician, with the clear intent of stifling free expression on Israel/Palestine. Notably, the legal system has also provided an avenue for George Galloway to pursue another, as yet to be settled, case; George Galloway has issued a suit against Jason Kenney for defamation and

⁵³ *Toronto Coalition to Stop the War v Canada (Public Safety and Emergency Preparedness)*, [2009] 326 FC 2.

⁵⁴ *Ibid.*, 4.

⁵⁵ *Ibid.*, 5.

⁵⁶ *Toronto Coalition to Stop the War v Canada (Public Safety and Emergency Preparedness)*, [2010] 957 FC 10.

⁵⁷ *Ibid.*, 4.

⁵⁸ *Ibid.*, 18.

\$1.5 million in damages. This appeal to the legal system is also emerging in response to another pattern, evident in the post-9/11 period, of watching organizations.

Watching Organizations: NGOs, Federal Agencies, and Aid to Global Civil Society

The emergence of new organizations in Israel, such as NGO Monitor, indicate efforts to influence civil society organizing and government funding in and outside of Israel. It is important to acknowledge that decisions to fund, or not fund, NGOs, on the part of the Canadian state and governments of the day, may be seen to be motivated by a range of ideological factors. In the last two decades, one of the most significant shifts relating to funding has been the embrace of neoliberalism by successive governments. Since the 1990s this has resulted in a distancing from the Keynesian welfare state model and its emphasis on redistribution and equity, toward a new state model emphasizing competition and self-sufficiency. Neoliberalism has impacted the core funding of such groups as women and minorities, putting in jeopardy their ability to participate as effectively as they did in the 1970s and 1980s.⁵⁹ Moreover, since the Harper Conservatives came to office, there has been an unprecedented alliance between Amnesty International Canada and a range of NGOs in Canada and Quebec, which maintain that individuals and groups committed to various human rights issues are being muzzled, threatened, and having their funding cut to the detriment of democracy. This has resulted in the Voices-Voix Campaign⁶⁰ aimed to protect and promote democracy, free speech, transparency, and equality. This movement serves to counter what Alex Neve has referred to as “the big chill”⁶¹ in reference to the climate of intimidation experienced by NGOs whose views may not correspond to the Harper Conservatives.

Canadian governmental efforts to regulate public discourse regarding discussions of Israel/Palestine, and to associate such regulation with specific scrutiny of NGOs, also synergize with specific efforts in the Middle East. Considerable attention and praise for the actions of Harper’s Tories has emanated from NGO Monitor, an Israeli think tank committed to scrutinizing NGOs that “receive significant financial support from generous donors, philanthropic institutions, and government budgets” in order to, in their words, “publicize distortions of human rights issues in the Arab-Israeli conflict.”⁶² This aggressive Israeli advocacy organization—whose President is Gerald

⁵⁹ Yasmeen Abu-Laban and Christina Gabriel, *Selling Diversity: Immigration, Multiculturalism, Employment Equity and Globalization* (Peterborough, ON: Broadview Press, 2002).

⁶⁰ Voices-Voix Campaign, “About the Coalition” (2011), <http://voices-voix.ca/en/about>.

⁶¹ Alex Neve, “The Big Chill: Basic Freedoms of Speech and Advocacy Are Now Under Siege,” *The Monitor* (March 1, 2011), <http://www.policyalternatives.ca/publications/monitor/big-chill>.

⁶² NGO Monitor, “About NGO Monitor Israel: Our Mission Statement,” *Annual Report* (2008), <http://www.ngo-monitor.org/articles.php?type=about>.

Steinberg, a political science professor at Bar Ilan University—has been committed to “contacting officials, members, and funders of NGOs” regarding, for example, participation in the 2009 Durban Review conference.⁶³ Notably praised by NGO Monitor, however, was the “Canadian Harper government” as “the first to announce in February 2008 that it would not participate in Durban II [the Durban review conference], followed nine months later by Israel.”⁶⁴

It is significant that NGO Monitor was invited to present its views to the CPCA, and in so doing it criticized the Canadian government for still funding “NGOs promoting the Durban strategy”⁶⁵—vague wording that appears to encompass any statement of concern for the human rights of Palestinians. In particular, NGO Monitor charged that the Canadian International Development Agency (CIDA) was feeding the “Durban strategy” by funding such diverse groups as the Canadian Arab Federation (CAF), the Mennonite Central Committee of Canada, Oxfam Canada, Oxfam Quebec, and World Vision Canada.⁶⁶ It is important to note that NGO Monitor has been characterized by Israeli academics as “right wing,” as well as selective in its focus on NGOs; in particular, it ostensibly looks at NGOs concerned with human rights but fails to seriously investigate the activities of NGOs that support illegal activities in the occupied West Bank.⁶⁷ Nonetheless, this targeting of selectively identified NGOs, emanating from an Israeli organization with a particular viewpoint, has had some clear reverberations in Canada in the post-9/11 period when it comes to the federal government’s interactions with Canadian NGOs and federal agencies.

A prime example of watching NGOs may be seen in the treatment of the Canadian Arab Federation (CAF), an organization that has been in existence since 1967. Since its inception, CAF has sought to counter media biases and stereotypes against Arabs and promote human rights issues, as well as to represent Canadians of Arab descent to the Canadian federal government.⁶⁸ However, in the wake of the Israeli attack on Gaza in 2008–2009, CAF came into a unique and direct confrontation with the Conservative

⁶³ NGO Monitor, “NIF, other NGOs Endorse Statement Condemning Antisemitism at Durban 2001 Conference and Pledging Not to Oppose Use of UN Fora for Incitement and ‘Any Form of Racism Including Antisemitism’ (2008), <http://www.ngo-monitor.org/article.php?id=1768>.

⁶⁴ NGO Monitor, “Analyzing the Durban II Conference: Interview with Gerald Steinberg” (April 1, 2010), http://www.ngomonitor.org/article/analyzing_the_durban_ii_conference_interview_with_gerald_steinberg.

⁶⁵ NGO Monitor, “NGO Monitor’s Submission to Canadian Parliamentary Coalition to Combat Anti-Semitism: Non-Governmental Organizations (NGOs) and the ‘Durban Strategy’: The Emergence of an Antisemitic Global Movement” (August 31, 2001), 2, <http://www.ngo-monitor.org/article.php?id=250>.

⁶⁶ NGO Monitor, “NGO Monitor’s Submission,” 2–3.

⁶⁷ David Newman, “Borderline Views: Who’s Monitoring the Monitor?” *Jerusalem Post* (November 30, 2009), <http://www.jpost.com/Opinion/Article.aspx?id=161865>.

⁶⁸ Yasmeen Abu-Laban, “On the Borderlines of Human and Citizen: The Liminal State of Arab-Canadians,” in *Targeted Transnationals: Policies and Discourses Take Aim at Arab Canadians*, ed. Bessma Momani and Jenna Hennebray (Vancouver: UBC Press, forthcoming).

government and, in particular, with Jason Kenney, Minister of Citizenship and Immigration, over Canada's position. Here it should be recalled that Canada was the only country to vote against a UN Human Rights Council Resolution condemning the military operation.⁶⁹ It was in this context that the former President of CAF, Khaled Mouammar, referred to a statement by Norman Finkelstein, a Jewish American author, that Kenney was like "a professional whore who supports war." Closely on the heels of this statement Kenney withdrew CAF's federal contract for language and employment training for Toronto immigrants.⁷⁰ Kenney went on to defend the decision by labelling CAF as endorsing terrorism and hatred in the form of (new) anti-Semitism.⁷¹ (Notably, CAF is pursuing a lawsuit against Kenney on the decision to withdraw language training funds).

Another example relating to NGOs would be the massive media attention in 2011 to the de-funding of KAIROS, a grouping of several Canadian churches and organizations reflecting different major Christian denominations that works in the areas of human rights and ecology. For 35 years KAIROS has received funding from CIDA, but in 2009 the organization was informed its grant would not be renewed. No clear explanation was provided, and as one journalist observed, "[O]ver time KAIROS, the church-backed aid organization, heard three explanations for why its funding wasn't renewed—for its views on Israel, for criticism of mining practices and climate-change policy, or that its aid program wasn't cost-effective—and none at all."⁷² The entire affair raised questions (many still unanswered) about the actions of Bev Oda, the Conservative Minister for International Cooperation overseeing CIDA and this file.⁷³ Significant for the purposes of this discussion on Israel/Palestine, it is important to note that, while NGO Monitor claims that KAIROS is a "primary supporter of the anti-Israel divestment movement,"⁷⁴ KAIROS denies it. In fact, in its "FAQs" online, KAIROS states that its position since first discussed in 2005 is that "KAIROS does not recommend a general boycott of Israeli goods for a number of reasons."⁷⁵ In March of 2011 the Board of Directors of KAIROS released a letter indicating,

⁶⁹ See United Nations Human Rights Council, *Press Release* (January 12, 2009), <http://www.unhchr.ch/hurricane/hurricane.nsf/0/47667EA2AA07F253C125753C004DAFB2?openDocument>.

⁷⁰ Juliet O'Neill, "Interview: Jason Kenney," *Vancouver Sun* (March 13, 2009), <http://www.vancouver.sun.com/life/Interview+Jason+Kenney/1387002/story.html>; Canpalnet Ottawa, "Arab Canadians Call on Harper to Restrain Citizenship and Immigration Minister Jason Kenney," *Canpalnet Ottawa* (March 9, 2009), http://www.canpalnet-ottawa.org/CAF_Harper2.html.

⁷¹ O'Neill, "Interview: Jason Kenney."

⁷² Campbell Clark, "In Wake of Oda Controversy, Government Must Explain Why Aid Decisions Are Made," *Globe and Mail* (February 17, 2011), <http://m.theglobeandmail.com/news/politics/in-wake-of-oda-controversy-ottawa-must-explain-why-aid-decisions-are-made/article1910799/?service=mobile>.

⁷³ *Ibid.*

⁷⁴ NGO Monitor, "KAIROS: Canadian Ecumenical Justice Initiatives" (n.d.), <http://www.ngo-monitor.org/article.php?id=79>.

⁷⁵ KAIROS, "FAQs: The KAIROS CIDA Funding Controversy" (February 23, 2011), <http://www.kairoscanada.org/wp-content/uploads/2011/10/GI-CIDA-KAIROS-FAQ-11-02-23.pdf>.

“while a decision by CIDA on KAIROS’s latest programme has not yet been received, KAIROS commits itself to ongoing work on Indigenous and migrant rights in Canada, international human rights and democracy, climate justice and resource extraction.”⁷⁶

A series of events surrounding three arms-length federal agencies—Rights and Democracy, the International Development Research Centre (IDRC), and the Social Sciences and Humanities Research Council of Canada (SSHRC)—have also been the subject of media discussion and exceptional scrutiny. The public controversy surrounding Rights and Democracy came to a head when the Chair of the Board, Auriel Braun, as well as new Board members appointed by the Harper Conservatives, clashed with the organization’s President Rémy Beaugard. Two other Board members, Sima Samar and Payam Akhavan, resigned in protest over the direction taken by the Chair and other board members.⁷⁷ Following this meeting, Beaugard’s subsequent heart attack and death on January 7, 2010, led all 47 members of the paid staff of Rights and Democracy to seek the resignation of the Chair (Auriel Braun) as well as other remaining board members for what they saw as a pattern of harassment toward Beaugard.⁷⁸ In addition, an open letter by former Presidents of Rights and Democracy (including former president and former New Democratic Party leader Ed Broadbent) demanded an investigation into what they perceived to be “subversion of the independence and integrity of the institution.”⁷⁹

Ed Broadbent further argued that the Harper government wanted to cut ties with any foreign group that criticized Israel, stating, “they are bringing what can only be described, it seems to me, as Middle East politics, directly into the heart of the centre. Never was there such interference before.”⁸⁰ Although the Board Chair, Auriel Braun, agreed that three grants to organizations in Israel/Palestine were part of the dispute, he maintained that the larger clash was over staff accountability to the Board.⁸¹ In marked contrast, Sima Samar, who had resigned from the Board, argued that it was about the grant applications of two Palestinian human rights groups (Al Haq and Al Mezan) and one Israeli human rights group (B’Tselem). In an op ed piece to *The Gazette*, Samar noted, “After our resignations, the board voted to formally repudiate the three Middle East grants. . . . The board relied entirely on information from Gerald Steinberg’s NGO Monitor, considered by many in Israel as a ‘blatantly political’ right-wing organization.”⁸²

⁷⁶ KAIROS, “Public Statement of the KAIROS Board of Directors: Hope in the Midst of Challenge” (March 4, 2011) <http://www.kairoscanada.org/fileadmin/fe/files/PDF/cidacuts/Letter-11-03-03-KairosBofD.pdf> (last accessed August 28, 2011).

⁷⁷ Sima Samar, “The Destruction of a Great Canadian Institution: The Dispute at Rights and Democracy has Damaged Canada’s Image,” *The Gazette* [Montreal] (March 12, 2010): A17.

⁷⁸ Graeme Hamilton, “Probe Sought in Death of Rights Head Remy Beaugard,” *National Post* (January 15, 2010): A12.

⁷⁹ Campbell Clark, “Ed Broadbent Defends Rights Agency’s Independence,” *Globe and Mail* (January 15, 2010), <http://www.theglobeandmail.com/news/politics/ed-broadbent-defends-rights-agencys-independence/article4303666/>.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Samar, “The Destruction of a Great Canadian Institution.”

While not generating the same degree of media attention, the IDRC, another arms length agency, saw a claim filed in Federal Court by the Mada Al-Carmel Arab Centre, an NGO based in Haifa, in 2010. This was in regard to the arbitrary termination of grants for two projects—one on Palestinian political participation in Israel and the other on the rights of Palestinian women in Israel.⁸³ IDRC settled this claim out of court, and IDRC president David Malone stressed that the initial granting decision was “strictly internal” and had to do with “management.”⁸⁴ However, it is notable that Malone also acknowledged that the Mada Al-Carmel grants were “first brought to my attention as the result of an inquiry by NGO Monitor, an Israeli advocacy group.”⁸⁵ According to one media account, in its initial application to the Federal Court, Mada Al-Carmel charged that NGO Monitor was sending MPs false submissions accusing the centre of “delegitimizing” Israel.⁸⁶

The Social Sciences and Humanities Research Council of Canada has also not been immune from the shifting tide represented by the Harper Conservatives and new forms of watching organizations. The unprecedented scrutiny given to the peer-reviewed and successfully funded grant application for the 2009 conference titled “Israel/Palestine: Mapping Models of Statehood and Paths to Peace” is a case in point.⁸⁷ This conference brought together a range of speakers, including both Israelis and Palestinians, and others who fell outside these groupings, to discuss different state models, including a bi-national/one state solution to the Israel/Palestine conflict. Unusually, the conference became a source of major controversy. The “one state” idea became subject to protests from some Canadian pro-Israel groups (including the ultra-right Jewish Defence League and B’nai Brith).⁸⁸ In addition, NGO Monitor criticized the presence of NGO activists as speakers. NGO Monitor specifically criticized those associated with Badil Resource Center for Palestinian Residency and Refugee Rights, Ta’ayush—an Arab/Jewish NGO committed to equality of civil rights, non-violent direct action, and ending occupation—and Sabeel Ecumenical Liberation Theology Center.⁸⁹

In addition, and reflecting an unprecedented level of intervention into an arms length body funding social sciences and humanities research, Gary Goodyear, the Minister for Science and Technology overseeing SSHRC,

⁸³ Glen McGregor, “Research Group Goes to Court After Funding Cut,” *Ottawa Citizen* (April 9, 2010), <http://www.ottawacitizen.com/technology/Research+group+goes+court+after+funding/2780179/story.html> (last accessed August 28, 2011).

⁸⁴ Patrick Martin, “Arab-Israeli Group Settles Research Dispute,” *Globe and Mail* (September 23, 2010): A16.

⁸⁵ Patrick Martin, “Arab-Israeli Group Takes Canadian Agency to Court Over Terminated Funding,” *Globe and Mail* (July 1, 2010): A12.

⁸⁶ McGregor, “Research Group Goes to Court.”

⁸⁷ Jon Thompson, *No Debate: The Israel Lobby and Free Speech at Canadian Universities* (Toronto: Lorimer, 2011).

⁸⁸ Harron Siddiqui, “What’s Discussed Openly in Israel Is Toxic in Toronto,” *Toronto Star* (June 28, 2009), A19.

⁸⁹ NGO Monitor, “NGO Monitor’s Submission,” 7.

personally telephoned the President of SSHRC to request another review of the grant application on grounds that “some of the speakers have, in the past, made comments that have been seen to be anti-Israeli and anti-Semitic.”⁹⁰ Pressure was also brought to bear on the administration of York University not to host the event.⁹¹ While SSHRC ultimately stood behind its decision to fund the conference, this was only after the unusual request for additional information from the academic organizers. Though the event went forward, there remain lingering questions about academic freedom and how it was variously compromised by Minister Gary Goodyear, SSHRC, the York administration, and others, as seen in a report commissioned by the Canadian Association of University Teachers (CAUT).⁹² In perhaps the most telling indication of the Harper Conservatives’ heavy hand in suppressing free expression on Israel/Palestine, an email marked “extremely urgent” obtained by CAUT of June 9, 2009, indicated, “SSHRC communications manager Trevor Lynn tells the council president that Mr. Goodyear’s chief of staff told him that the issue [about the conference] was ‘so serious it will make it hard for the Minister to recommend increased funding for SSHRC in the next budget’.”⁹³

In Conclusion: Reclaiming Public Discursive Space

The decade since 9/11 has witnessed a seismic transformation in the surveillance of public discourse, and the Canadian state has been an active participant in the process. Here we have focused on a particular aspect of this transformation, regarding public discursive space surrounding the Israel/Palestine conflict. Notably, this repression of public discourse associated with legitimate criticism of Israeli state practices has been noted as exceptional internationally, not least among Palestinians. A special statement was published on the situation of Palestine solidarity in Canada by the Palestinian Boycott, Divestment, and Sanctions National Committee (BNC) Secretariat.⁹⁴ The implications of this transformation bear specifically on those who are the immediate targets of increasing surveillance, but it is significant that these targets go beyond minority populations and have spread to include the rights of wider layers of civil society. In the process, there have been implications for academic freedom, freedom of expression, and the right to be part of an inclusive society that allows events from Pride parades to university guest speakers, visiting politicians, and participation in public hearings. The basic arenas and instruments of liberal democracy in Canada are currently being pressed to maintain normalized processes of

⁹⁰ Elizabeth Church, “Furor Raised over York’s Handling of Conference on Israel, Palestine,” *Globe and Mail* (April 12, 2010), A6.

⁹¹ Siddiqui, “What’s Discussed Openly in Israel.”

⁹² Thompson, *No Debate*.

⁹³ Church, “Furor Raised.”

⁹⁴ Boycott, Divestment and Sanctions National Committee (BNC) Secretariat, “Palestinian Civil Society Condemns Repression in Canada Against Palestine Solidarity Campaigns and Humanitarian Efforts” (May 26, 2010), <http://www.pacbi.org/etemplate.php?id=1246>.

representation and inclusion, working overtime to deal with post-9/11 realities in the era of Harper's administrations.

Through the Canadian case after 9/11 we argue that access to basic rights of assembly and expression are human rights and that the Israelization of public discourse has threatened the maintenance of such rights. The call for privacy protection in the face of a proliferating array of surveillance technologies is relevant to this discussion. An extension of the theorization about the complexity of racialized discourse regarding the Israel/Palestine conflict has been presented here. Discussion of these rights needs to be extended to theorize and address civil liberties, public discourse, and the nature of democratic participation, suggesting a new form of "watching" of NGOs and justification for cutting spending. This of course begs the question, one suggestive of future research as we approach the next decade, "who will watch the watchers?" One indication of the possibility of a wider counter-hegemonic movement is indicated in the significant growth, despite efforts at silencing, of support in Canada for the Palestinian civil society call for boycott, divestment, and sanctions against Israel until it complies with international law.⁹⁵ This movement, and other actions and arenas of citizen participation, suggest that the various moments of this transformation in the surveillance of public discourse on the Israel/Palestine conflict have been, and continue to be, highly contested.

Abstract

Since September 11, 2001, a growing body of scholarship has traced the intensification of surveillance in countries of the industrialized West. However, less attention has been paid to analyzing the impact of surveillance of discourse, particularly public discourse normally considered a hallmark of liberal democratic freedoms of speech and association. In this article we consider the case of Canadian public discourse and illustrate how surveillance has intensified in relation to freedom of expression regarding the Israel/Palestine conflict. Drawing on accounts from media, government, and non-governmental organizations (NGOs), we highlight notable moments in the Canadian state's deepening ties with Israel, tracing direct intervention in public discourse concerning the Israel/Palestine conflict. The regulation of public discourse on the part of state and non-state actors in Canada is aimed to influence universities, civil society events, access to meetings and events with international speakers, and even the expressions of NGOs abroad. In addition, the regulation of public discourse has impacted the securitization of borders, immigration, and surveillance in light of an ascribed "terrorist threat." This has resulted in a new and distinct pattern of surveillance—or watching—of words, loyalty, and organizations, according to their presumed political views concerning the Israel/Palestine conflict.

Keywords: Canada, Israel, Palestine, Surveillance, Free Speech

⁹⁵ Abigail B. Bakan and Yasmeen Abu-Laban, "Palestinian Resistance and International Solidarity: The BDS Campaign," *Race and Class* 51, 1 (2009), 29.

Résumé

Depuis le 11 septembre 2001, un nombre croissant de recherches ont pour sujet l'intensification de la surveillance dans les pays industriels occidentaux. Toutefois, moins d'attention a été accordée à l'analyse de l'impact de la surveillance sur les discours, notamment le discours public considéré comme une caractéristique marquante des libertés démocratiques et libérales de parole et d'association. Si l'on considère le cas du discours public canadien, il est possible de démontrer comment la surveillance s'est intensifiée en ce qui a trait à la liberté d'expression par rapport au conflit israélo-palestinien. En se penchant sur les témoignages des médias, du gouvernement et des organisations non gouvernementales, nous soulignons les moments marquants du renforcement des liens étroits noués entre le Canada et Israël, renforcement qui signale une intervention directe au sein du discours public relatif au conflit israélo-palestinien. Le contrôle du discours public de la part des acteurs étatiques et non étatiques vise à influencer les universités, les manifestations de la société civile, l'accès aux rencontres et aux conférences avec des intervenants internationaux, et même les propos des ONG à l'étranger. De plus, le contrôle du discours public a eut un impact sur la sécurisation des frontières, sur l'immigration et sur la surveillance liée à la « menace terroriste ». Ceci a eut pour conséquences un nouveau régime distinct de surveillance, où l'on surveille les mots, les loyautés ainsi que les organisations, selon les présumées opinions politiques à propos du conflit israélo-palestinien.

Mot clés : Canada, Israël, Palestine, surveillance, liberté d'expression

Yasmeen Abu-Laban

Department of Political Science, The University of Alberta

10-16 H.M. Tory Bldg

Edmonton, AB T6G 2H4

Abigail Bakan

Department of Gender Studies, Queen's University

Mackintosh-Corry Hall D504

Kingston, ON K7L 3N6