

# THE SECURITY OF FREEDOM



ESSAYS

ON CANADA'S

ANTI-TERRORISM

BILL

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PATRICK MACKLEM AND KENT ROACH

# Security Of Freedom Essays On Canadas Anti Terrorism Bill

**Mark B. Salter**



## **Security Of Freedom Essays On Canadas Anti Terrorism Bill:**

**The Security of Freedom** University of Toronto. Faculty of Law, 2001-01-01 Papers from a conference The Security of Freedom held at the Faculty of Law University of Toronto on Nov 9 10 2001      **Global Anti-Terrorism Law and Policy** Victor V. Ramraj, Michael Hor, Kent Roach, 2009-04-09 All indications are that the prevention of terrorism will be one of the major tasks of governments and regional and international organisations for some time to come In response to the globalised nature of terrorism anti terrorism law and policy have become matters of global concern Anti terrorism law crosses boundaries between states and between domestic regional and international law They also cross traditional disciplinary boundaries between administrative constitutional criminal immigration and military law and the law of war This collection is designed to contribute to the growing field of comparative and international studies of anti terrorism law and policy A particular feature of this collection is the combination of chapters that focus on a particular country or region in the Americas Europe Africa and Asia and overarching thematic chapters that take a comparative approach to particular aspects of anti terrorism law and policy including international constitutional immigration privacy maritime aviation and financial law

Domestic Counter-Terrorism in a Global World Daniel Alati, 2017-07-14 Although both Canada and the United Kingdom had experienced terrorism prior to the attacks of 9 11 and already had in place extensive provisions to deal with terrorism the events of that day led to the enactment of new and expansive counter terrorism legislation being enacted in both jurisdictions This book explores these changes to counter terrorism laws and policies in the UK and Canada in order to demonstrate that despite the force of international legal instruments including the heavily scrutinized UN Security Council Resolution 1373 the evolution of counter terrorism policies in different jurisdictions is best analyzed and understood as a product of local institutional structures and cultures The book compares legal and political structures and cultures within Canada and the United Kingdom It analyses variations in the evolution post 9 11 counter terrorism measures in the two jurisdictions and explores the domestic reasons for them While focus is primarily geared towards security certificates and bail with recognizance investigative hearings in Canada and detention without trial control orders and TPIMs in the UK the use of secret evidence in the wider national security context terrorist listing civil litigation criminal prosecutions etc is also discussed The book reveals how domestic structures and cultures including the legal system the relative stability of government local human rights culture and geopolitical relationships all influence how counter terrorism measures evolve In this sense the book utilizes a methodology that is both comparative and interdisciplinary by engaging in legal political historical and cultural analyses This book will be particularly useful for target audiences in the fields of comparative law and criminal justice counter terrorism law human rights law and international relations and politics      **The State, Democracy and Anti-Terror Laws in India** Ujjwal Kumar Singh, 2007-01-12 Laws like the Prevention of Terrorism Act POTA are enacted to address what the state describes as extraordinary situations and put in place exceptions to the ordinary legal and

judicial procedures By examining public debates surrounding extraordinary laws like POTA and the Terrorist and Disruptive Activities Prevention Act TADA and also specific cases trials and judgements under the Acts the author argues that extraordinary laws have ramifications for people s lives political institutions the rule of law and democratic functioning shows how such laws assume normalcy and acquire a place of permanence in state practices and examines the ways in which such extraordinary laws manifest dominant configurations of political power and ideology While exploring the unfolding of POTA in specific contexts the book shows how the law was enmeshed in the politics of Hindutva electoral and coalition politics centre state relations the politics of repression and reconciliation against nationality struggles and issues of poverty and development

**Terrorism and Counterterrorism in Canada** Jez Littlewood,Lorne Dawson,Sara K. Thompson,2020-01-29 Through close analysis of the Canadian context Terrorism and Counterterrorism in Canada provides an advanced introduction to the challenges and social consequences presented by terrorism today Featuring contributions from both established and emerging scholars it tackles key issues within this fraught area and does so from multiple disciplinary perspectives using historical quantitative and qualitative lenses of analyses to reach novel and much needed insights Throughout the volume the editors and contributors cover topics such as the foreign fighter problem far right extremism the role of the internet in fostering global violence and the media s role in framing the discourse on terrorism in Canada Also included are essays that look at the struggles to develop specific counter terrorism policies and practices in the face of these threats In addition to offering a detailed primer for scholars policymakers and concerned citizens Terrorism and Counterterrorism in Canada confronts the social and legal consequences of mounting securitization for marginalized communities

**An Exceptional Law** Dennis G. Molinaro,2017-05-08 During periods of intense conflict either at home or abroad governments enact emergency powers in order to exercise greater control over the society that they govern The expectation though is that once the conflict is over these emergency powers will be lifted An Exceptional Law showcases how the emergency law used to repress labour activism during the First World War became normalized with the creation of Section 98 of the Criminal Code following the Winnipeg General Strike Dennis G Molinaro argues that the institutionalization of emergency law became intricately tied to constructing a national identity Following a mass deportation campaign in the 1930s Section 98 was repealed in 1936 and contributed to the formation of Canada s first civil rights movement Portions of it were used during the October Crisis and recently in the Anti Terrorism Act of 2015 Building on the theoretical framework of Agamben Molinaro advances our understanding of security as ideology and reveals the intricate and codependent relationship between state formation the construction of liberal society and exclusionary practices

*The Freedom of Security* Colleen Bell,2011-04-20 From Guant namo Bay to the war in Iraq post 9 11 security measures have sparked fears that the West is violating the very civil rights and freedoms it claims to protect This debate is focused on the United States but how have the politics of security influenced the commitment to freedom in other liberal democracies Colleen Bell argues

that Canada's counter terrorism practices should not be framed as a departure from liberal governance in which freedom is traded for security but rather as a restructuring of modalities of governance through the framework of security Addressing issues such as security certificates the war in Afghanistan and the detainment and torture of Abdullah Almalki in Syria Bell demonstrates that security measures are not simply eroding civil liberties they are also fundamentally reshaping ideas and practices of freedom This trenchant examination of Canada's War on Terror exposes how the logic and practices of security are increasingly coming to define our rights and freedoms

**Re-envisioning Sovereignty** Trudy Jacobsen, 2016-04-08

Sovereignty as a concept is in a state of flux In the course of the last century traditional meanings have been worn away while the limitations of sovereignty have been altered as transnational issues compete with domestic concerns for precedence This volume presents an interdisciplinary analysis of conceptions of sovereignty Divided into six overarching elements it explores a wide range of issues that have altered the theory and practice of state sovereignty such as human rights and the use of force for human protection purposes norms relating to governance the war on terror economic globalization the natural environment and changes in strategic thinking The authors are acknowledged experts in their respective areas and discuss the contemporary meaning and relevance of sovereignty and how it relates to the constitution of international order

**Human Dignity and Human Security in Times of Terrorism** Christophe Paulussen, Martin

Scheinin, 2019-12-09 In this book it is explained that despite a current drop in the number of deaths terrorism should still be considered a serious and widespread problem However the responses to this phenomenon are often more problematic from a long term perspective With the human rights framework under serious pressure this edited volume offers a timely important and critical in depth analysis of human dignity and human security challenges in the lead up and in the responses to current forms of terrorism It aims to map how human dignity and human security can be secured and how law can constitute a source of trust at a time when Europe and the rest of the world continue to be plagued by terrorism The authors are both established names and upcoming talent in this fastchanging and exciting field of law They thoroughly analyse a variety of topical subjects in more conceptual chapters for example calling for the humanisation of the security discourse and in highly practical contributions in which for instance the Kafkaesque situation in which rendition and torture victim Abu Zubaydah still finds himself today is considered This book which focuses on but is not limited to the situation in Western countries aims to inspire not only academics through further theorisation on the sometimes elusive but important concepts of human dignity and human security but also practitioners working in the field of countering terrorism It will hopefully convince them even more that following a human rights approach will be indispensable in securing human dignity and human security for all Even or in fact especially in times of terrorism Christophe Paulussen is a Senior Researcher in the Research Department of the T M C Asser Instituut in The Hague The Netherlands and Martin Scheinin is Professor of International Law and Human Rights in the Department of Law of the European University Institute EUI in Florence Italy

*Putting the State on Trial*

Margaret E. Beare, Nathalie Des Rosiers, Abigail C. Deshman, 2015-04-01 Canada is often lauded as a model democracy that values the constitutional rights of its citizens. So when over a thousand people, most of whom were peaceful protesters or hapless bystanders, were violently arrested and then detained without charge during the G20 Summit in Toronto in 2010, many Canadians felt shock and outrage. Putting the State on Trial: The Policing of Protest during the G20 Summit examines the political, social, and economic conditions that allowed the policing of the summit to culminate in human and civil rights violations. Written by a multi-disciplinary group of scholars and legal practitioners, this book contextualizes events before, during, and after the summit from a range of perspectives. Although the G20 protests serve as a point of departure in every chapter, the contributing authors engage with larger questions about the control of dissent, the impact of the securitization and internationalization of Canadian politics, the implications of legal uncertainty, and the accountability vacuum. **The**

**Long Decade** David Jenkins, Amanda Jacobsen, Anders Henriksen, 2014-03-10 The terrorist attacks of 9/11 precipitated significant legal changes over the ensuing ten years, a long decade that saw both domestic and international legal systems evolve in reaction to the seemingly permanent threat of international terrorism. At the same time, globalization produced worldwide insecurity that weakened the nation-state's ability to monopolize violence and assure safety for its people. *The Long Decade: How 9/11 Changed the Law* contains contributions by international legal scholars who critically reflect on how the terrorist attacks of 9/11 precipitated these legal changes. This book examines how the uncertainties of the long decade made fear a political and legal force, challenged national constitutional orders, altered fundamental assumptions about the rule of law, and ultimately raised questions about how democracy and human rights can cope with competing security pressures while considering the complex process of crafting anti-terrorism measures. *Asian Canadian Studies Reader*

Roland Sintos Coloma, Gordon Pon, 2017-06-16 Roland Sintos Coloma and Gordon Pon's *Asian Canadian Studies Reader* brings together essential writings by leading and emerging scholars in the field to explore the vibrancy of the diverse Asian diaspora in Canada. The Reader is the perfect textbook for undergraduate courses in Race and Ethnic Studies, Women and Gender Studies, and Migration and Diaspora Studies. The volume is organized into four main themes: ethnic, intersectional, comparative, and transnational encounters. It critically engages topics regarding orientalism, settler colonialism, globalization, and nationalism. Each groundbreaking essay challenges our conventional understandings of diversity and multiculturalism by tackling the intricacies of racism and racialization. By capturing the rich diversity within Asian Canadian communities, Coloma and Pon dispel the perceptions of Asians as always immigrants, newcomers, or model minorities. The *Asian Canadian Studies Reader* is the first interdisciplinary collection of essays intended for undergraduate use about Canada's largest racialized minority group. *The Constitution of the Environmental Emergency* Jocelyn Stacey, 2018-04-19 This book argues for a

reframing of environmental law. It starts from the premise that all environmental issues confront lawmakers as emergencies. Environmental issues pose a fundamental challenge to law because it is impossible to reliably predict which issues contain

the possibility of an emergency and what to do in response to such an unforeseen event These features undermine the conventional understanding of the rule of law This book argues that approaching environmental issues from the emergency perspective leads us to an understanding of the rule of law that requires public justification This requirement recentres the debates in environmental law around the question of why governance under the rule of law is something worth having in the environmental context It elaborates what the rule of law requires of decision makers in light of our ever present vulnerability to catastrophic environmental harm Controversial compelling and above all timely this book presents an important new perspective on environmental law

The Canadian War on Queers Gary Kinsman,Patrizia Gentile,2010-03-01 From the 1950s to the late 1990s agents of the state spied on interrogated and harassed gays and lesbians in Canada employing social ideologies and other practices to construct their targets as threats to society and enemies of the state In this path breaking book Gary Kinsman and Patrizia Gentile use official security documents and interviews with gays lesbians civil servants and high ranking officials to disclose not only the acts of state repression that accompanied the Canadian war on queers but also forms of resistance that raised questions about just whose national security was being protected and about national security as an ideological practice This passionate personalized account of how the state used the ideology of national security to wage war on its own people offers ways of understanding and resisting contemporary conflicts such as the so called war on terror

**The Harbinger Theory** Robert Diab,2015-03-11 North American law has been transformed in ways unimaginable before 9 11 Laws now authorize and courts have condoned indefinite detention without charge based on secret evidence mass secret surveillance and targeted killing of US citizens suggesting a shift in the cultural currency of a liberal form of legality to authoritarian legality The Harbinger Theory demonstrates that extreme measures have been consistently embraced in politics scholarship and public opinion not in terms of a general fear of the greater threat that terrorism now poses but a more specific belief that 9 11 was the harbinger of a new order of terror giving rise to the likelihood of an attack on the same scale as 9 11 or greater in the near future involving thousands of casualties and possibly weapons of mass destruction It explains how the harbinger theory shapes debates about rights and security by virtue of rhetorical strategies on the part of political leaders and security experts and in works of popular culture in which the theory is often invoked as a self evident truth without the need for supporting evidence or authority It also reveals how liberal advocates tend to be deferential to the theory aiding its deeper entrenchment through the absence of a prominent public critique of it In a unique overview of a range of skeptical evidence about the likelihood of mass terror involving WMD or conventional means this book contends that a potentially more effective basis for reform advocacy is not to dismiss overstated threat claims as implausible or psychologically grounded but to challenge the harbinger theory directly through the use of contrary evidence

**Mapping Transatlantic Security Relations** Mark B. Salter,2010-04-15 This book examines how legal political and rights discourses security policies and practices migrate and translate across the North Atlantic The complex relationship

between liberty and security has been fundamentally recast and contested in liberal democracies since the start of the global war on terror. In addition to recognizing new agencies, political pressures and new sensitivities to difference, it is important that not to overstate the novelty of the post 9/11 era; the war on terror simply made possible the intensification, expansion or strengthening of policies already in existence or simply enabled the shutting down of debate. Working from a common theoretical frame, if different disciplines, these chapters present policy-oriented analyses of the actual practices of security, policing and law in the European Union and Canada. They focus on questions of risk and exception, state sovereignty and governance, liberty and rights, law and transparency, policing and security. In particular, the essays are concerned with charting how policies, practices and ideas migrate between Canada, the EU and its member states. By taking a field approach to the study of security practices, the volume is not constrained by national case study or the solipsistic debates within subfields and bridges legal, political and sociological analysis. It will be of much interest to students of critical security studies, sociology, law, global governance and IR in general.

Mark B. Salter is Associate Professor at the School of Political Studies, University of Ottawa.

*Selling Diversity* Yasmeen Abu-Laban, Christina Gabriel, 2002-09-01

Since the 1990s, Canadian policy prescriptions for immigration, multiculturalism and employment equity have equated globalization with global markets. This interpretation has transformed men and women of various ethnic backgrounds into trade-enhancing commodities who must justify their skills and talents in the language of business. This particular neo-liberal reading of globalization and public policy has resulted in a trend the authors call selling diversity. Using gender, race, ethnicity and class lenses to frame their analysis, the authors review Canadian immigration, multiculturalism and employment equity policies, including their different historical origins, to illustrate how a preference for selling diversity has emerged in the last decade. In the process, they suggest that a commitment to enhance justice in a diverse society and world has been muted. Yet neo-liberalism is not the only or inevitable option in this era of globalization and Canadians are engaging in transnational struggles for rights and equality and thereby increasing the interconnectedness between peoples across the globe. Consequently, the emphasis on selling diversity might be challenged.

Security and International Law Mary E. Footer, Julia Schmidt, Nigel D. White, Lydia Davies-Bright, 2016-06-16

Of the many challenges that society faces today, possibly none is more acute than the security of ordinary citizens when faced with a variety of natural or man-made disasters arising from climate and geological catastrophes, including the depletion of natural resources, environmental degradation, food shortages, terrorism, breaches of personal security and human security or even the global economic crisis. States continue to be faced with a range of security issues arising from contested territorial spaces, military and maritime security and security threats relating to energy infrastructure and the delivery of essential services. The theme of the book encompasses issues of human, political, military, socio-economic, environmental and energy security and raises two main questions: To what extent can international law address the types of natural and man-made security risks and challenges that threaten our livelihood or very existence in the twenty-first century? Where does



international law fall short in meeting the problems that arise in different situations of insecurity and how should such shortcomings be addressed

**Security and Human Rights** Benjamin J Goold, Liora Lazarus, 2019-09-05 This is the second edition of the acclaimed Security and Human Rights first published in 2007 Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001 The second edition continues in this tradition presenting a collection of essays from leading academics and practitioners in the fields of criminal justice public law privacy law international law and critical social theory The collection offers genuinely multidisciplinary perspectives on the relationship between security and human rights In addition to exploring how the demands of security might be reconciled with the protection of established rights Security and Human Rights provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime prevent terrorism and protect their citizens The volume features a set of new essays that engage with the most pressing questions facing security and human rights in the twenty first century and is essential reading for all those working in the area

*The Oxford Handbook of National Security Intelligence* Loch K. Johnson, 2010-03-12 The Oxford Handbook of National Security Intelligence is a state of the art work on intelligence and national security Edited by Loch Johnson one of the world's leading authorities on the subject the handbook examines the topic in full beginning with an examination of the major theories of intelligence It then shifts its focus to how intelligence agencies operate how they collect information from around the world the problems that come with transforming raw information into credible analysis and the difficulties in disseminating intelligence to policymakers It also considers the balance between secrecy and public accountability and the ethical dilemmas that covert and counterintelligence operations routinely present to intelligence agencies Throughout contributors factor in broader historical and political contexts that are integral to understanding how intelligence agencies function in our information dominated age

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