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Where's Omar? Where Is Justice?

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[P]olitics secretly works towards the production of emergencies....
Giorgio Agamben
"On Security and Terror"

We live in a state of economic emergency, bearing witness to an ever emerging war. Yet, politics does not simply react to emergencies, it produces them. In a time of grotesque violence and abhorrent apathy we must resist the urge only to react and fight for some semblance of politics. We must fight for emergency.

Omar Khadr was arrested at the age of 15 by the U.S military and has remained in custody in Guantanamo for 8 years. Today, he plead guilty to five war crime charges. Despite stating in open court last summer that he would not plead guilty, today he muttered a confession. In accordance with the plea bargain, Khadr plead guilty to murder, attempted murder, conspiracy, providing material support to terrorists, and spying. Following this, a jury imposed the harshest possible sentence, 40 years imprisonment. Khadr may receive parole after eight years. The first year of this sentence will be served in Gauntanamo, following which he may be repatriated. The government of Canada does not have to repatriate Khadr, nor is parole guaranteed. Rather than hypothesizing outcomes, I want to discuss the case philosophically.

This is a piece about war, politics, and capitalism. These are things we participate in daily, often with a cynical shrug. In this piece I critique positions that posit the Khadr case as a problem of "human rights" and insist that we must approach the case politically.

Omar Khadr: Native Son/Muslim Man

A Canadian citizen, Omar Khadr was captured in Afghanistan at the age of 15 by the United States military after supposedly killing an American soldier. Since Stephen Harper's reign, Canada has washed their hands of the case. Khadr is the only Western citizen in Guantanamo not to have been repatriated. While there has been an ongoing campaign aimed at having Khadr repatriated, I want to consider and trouble the ideological principles upon which cries of "Bring him home" rest.

In his insightful work, "Citizenship after Orientalism" Engin Isin discusses how Occidentalism constructed the "Orient" as being incompatible with "citizenship." He states that,

Orientalism mobilized images of citizenship as a unique occidental invention that oriental cultures lacked and of the citizen as virtuous and rational being without kinship ties. Synoecism generated images of citizenship as fraternity, equality, liberty, expressing a

unified and harmonious polity, and of the citizen as a secular and universal being without tribal loyalties (117).

The marking of Khadr's body as an Afghani Muslim man construct him as anti-thetical to the concept of "the citizen." While Weber's Orientalist musings came from an engagement and denigration of China and India, Isin also discusses constructions of the Islamic city as despotic:

Citizenship, or rather its alleged incompatibility with the culture of 'Islamic' countries, is, therefore an issue that often conveys a strategically simplified image of Islam in the occident. Islam has been found to be inhospitable to citizenship. If we transfer the meaning of submission as understood in religious terms in Islam, to the political sphere, some would conclude that Islam, therefore, promotes despotic rule and passive acceptance amongst the faithful. These orientations, while problematic, have increasingly become prevalent amongst not only 'intellectuals' but also political and policy intelligentsia in the West (127).

Khadr's case speaks to the incompatibility of "citizenship" and the racialised religious immigrant. In *Is the Critique Secular* Wendy states that,

today the secular derives much of its meaning from an imagined opposite in Islam, and, as such, veils the religious shape and content of Western public life and its imperial designs. Yet something named "secular humanism" is also targeted by the right in domestic American politics, held responsible by its decriers for destroying the fabrics of the family, the moral individual, and patriotism (12).

These two uses of the secular, while seemingly antithetical, speak to an inability to touch upon the Orientalist foundations of "citizenship." While it is obviously necessary to struggle for Khadr's rights, I would argue that such pleas have not been successful because the very notions of "human rights" and "citizenship" have historically been tethered to the abjection of the Orientalised body, and are constructed through the lense of the Islamophobic paranoia that defines our political moment. Khadr's case speaks to a time when secular ideologies police the nation as they also offer universalist ideas of belonging to the nation. Omar Khadr is not currently a Canadian citizen because he has never been one.

I Hate Identity Politics: Omar Khadr, and the Death of the Political

Mainstream responses to Khadr's case have largely come from two camps. Firstly, are right wing commentators who viciously attack Khadr's family, Islam, and the generalisable "foreigner." The case confirms existing xenophobic belief. The other set of responses come from well intentioned and perhaps strategic appeals to "human rights." For example, authors such as Jamison and Sheppard argue that the case is exceptional because Khadr was fifteen when he was captured. Other liberal sympathizers make reference to his health in Guantanamo and to allegations of torture and abuse. While this is obviously reprehensible, again, it speaks to the failure to think outside of a grammar of liberal presumptions that assume this case to be a failure in an otherwise just system. The construction of the case as a "human rights" issue is a deeply political act that fails to engage with the issues of war, Canadian foreign policy, Islamophobia, and neo imperialist capitalist interests at stake. Drawing on Rony Brauman's writings regarding Sarajevo, Žižek (2006) states that,

the very recasting of a political-military conflict into humanitarian terms was sustained by an eminently political choice—basically, to take the Serb side in the conflict. The celebration of 'humanitarian intervention' in Yugoslavia took the place of a political discourse, Brauman argues, thus disqualifying in advance all conflicting debate (219).

Does the same critique not hold true in the Khadr case, where appeals to human rights do not touch upon Canada's propagation of war? The "human rights" framework is political precisely in its ability to moralise neo-colonialism in ways that appear benevolent and kind in their banal violence. Žižek states that, "The purely humanitarian, anti-political politics of merely preventing suffering thus amounts to an implicit prohibition on elaborating a positive collective project of socio-political transformation" (339).

The radical generative political moment is managed in a grammar of human rights that presupposes fixed understandings of “the human” and “rights” as universal. It is precisely because of the inability to conceive of the universal outside of markings of skin, faith, name, and commerce that cause Khadr to be unable to access the rights of all. Drawing on Arendt, Žižek discusses the paradox of human rights, which lies in the realization that it is precisely at the moment when one encounters those that are stripped of all universals that the universality of the human is thrown into question, “The conception of human rights based upon the assumed existence of a human being as such broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships except that they were still human” (2006, 340). It is paradoxically those stripped of “human rights” that remain out of the bounds of the grammar of state power which particularizes “rights” as belonging to a privileged few. Khadr is awarded conditional empathy against “true homo-sacers,” namely those held in Guantanamo who occupy no seat in the Western liberal imagination because their nationality marks them as un-human.

Pleas to Khadr’s human rights function as an example of the death of the political in our contemporary moment. We have lost politics when the case of Omar Khadr becomes a violation of the “rights” of a “Canadian” rather than a wider symptom of a war that uses bodies of Muslim men as scape goats in a grander narrative of greed. Depoliticisation is a function of the contemporary age of security ushered in by the war on terror. As Agamben (2001) argues, “Because they require constant reference to a state of exception, measures of security work towards a growing depoliticisation of society. In the long run, they are irreconcilable with democracy.” The construction of continuous “states of exception,” such as the ability to detain prisoners in Guantanamo despite age, citizenship, and principles of justice produce political apathy and stasis. The production of spaces that lie outside of the rule of law the nation purports to adhere to announces itself, making the violation part of the social order and opposition to it futile.

In “A Permanent Leftist Emergency” Slavoj Žižek surmises the paltry ambitions of current leftist politics,

the misery of today’s left: there is no positive programmatic content to its demands, just a generalized refusal to compromise the existing welfare state. The utopia here is not a radical change of the system, but the idea that one can maintain a welfare state *within* the system (86).

This same misery besets those who advocate for rights within our time of terror. The Occidental, modernist, rights bearing subject needs the body of the abjected, Orientalised body in order to function. By playing games of rights and freedoms, those who might have the best of intentions support apparatuses of war that have made tragic cases like Khadr’s possible. The Khadr case is not a tragedy for the reasons that make every sane person disgusted. Khadr was a child when he was captured. He was physically and sexually tortured. While all this is stomach turning, the larger tragedy lies in the inability to think about this case politically. The ways in which Khadr’s case exemplifies the lawless, limitless colonization of the Middle East in pursuit of oil interests is lost. At the same time, those who apprehend the case of Omar Khadr as one of racism alone miss the broader injustice that permits bodies to be bought and sold by neo-colonial regimes. Slavery was never a matter of white and black alone. The larger backdrop was always green

It is because of America’s financial interests in war and specifically in pillaging the resources of Afghanistan that we have a figure like Omar Khadr, a life that’s callous destruction speaks to how market capitalism tramples effortlessly over lives. Žižek notes that there is no lack of anti-capitalism today. However, he states that at the root of all of this critique lies the maintenance of capitalism,

We are even witnessing an overload of critiques of capitalism’s horrors: newspaper investigations, TV reports and best-selling books abound on companies polluting our environment, corrupt bankers who continue to get fat bonuses while their firms are saved by public money, sweatshops where children work overtime. There is, however, a catch to all this criticism, ruthless as it may appear: what is as a rule not questioned is the liberal-democratic framework within which these excesses should be fought (87).

Similarly, while there has been a great deal of speech challenging human rights abuses, the larger capitalist

structures lie out of the bounds of critique. With a similar lack of precision, the left often consolidates its energies around workers rights without problematising how these struggles valorize ideals of citizenship and whiteness. As Isin argues, aside from Weber's tethering of citizenship to Orientalism, one of the often overlooked premises of his work lies in his assertion that "citizenship" made capitalism possible. Identity politics fetishise discourses of "rights" and law that are reliant upon racist and colonial structures. Similarly, old school leftists fetishise the unionized working man as "citizen," a figure that is at the core of the capitalist system they purport to be against. Lying somewhere between both camps, in a jail cell in Guantanamo bay with the dirty whispers of a forced confession on his breath is Omar Khadr.

Nothing But a Number: the Problem of Khadr's Age

A repeated narrative that frames the case as a human rights violation posits the crimes committed against Omar Khadr as exceptional because of age. While again, well intentioned and perhaps strategic, this narrative constructs Khadr as an infantilized object of pity for the mainstream white secular public to salivate over. Melissa Jameson's work on the violation of Khadr's rights as a child surmises the general sentiments of those who fixate on Khadr's age. Jamison (2005) states that, "The failure of the United States to recognize the special needs of Omar and other juvenile detainees raises several concerns under international law. That law expresses a consensus that children require special protection, even in times of emergency and armed conflict." While there is undoubtedly a violation of law and morality at play in the detention and abuse of a fifteen year old, the problem with fetishising youth lies in how this ideology might support justifications of the war on terror. In *Welcome to the Desert of the Real* (2002) Žižek discusses the ideological divisions at play in constructions of life in the secular Western world which make self sacrifice for a greater political vision seem pathological or incomprehensible. Žižek states that it, "effectively appears as if the split between First and Third World runs more and more along the lines of the opposition between leading a long satisfying life full of material and cultural wealth, and dedicating one's life to some transcendent Cause" (277). He further asserts that, "We in the West are the Nietzschean Last Men, immersed in stupid daily pleasures, while the Muslim radicals are ready to risk everything, engaged in the struggle up to the point of their own destruction" (277). This notion of secular, capitalist time is very much tethered to an idea of "youth" that valorises adolescence as a time of frivolity, innocence and consumption. The "loss of youth" experienced by Khadr is posited as a loss precisely because of a notion of time constructed around a depoliticized life of mindless consumption and banal apoliticism.

In this discourse, Khadr is a victim because he was stripped of the hedonistic consumptive youth that defines secular Western middle class ideas of normalcy. The notion of "youth" is tied to a certain vision of temporality which privileges secular, heteronormative, Western consumptive logics. As Judith Butler (2008) notes, notions of freedom that are used to justify the pillage of Middle Eastern Muslim countries are bound to an idea of temporality that imagines the "Muslim Other" as existing in a space of anachronistic backwardness. The "liberation" of colonized people is justified by a rhetoric that posits white Western middle class actors as benevolent in their will to bring the colonized into the light. This new-fangled white man's burden is, as Butler succinctly states, tied to a notion of sexual freedom which assumes the "Muslim Other" to be sexually repressed and guided by antiquated, oppressive gender norms. By constructing Khadr as a "poor child" the larger economic interests at play are not questioned. Furthermore, like the universal "Muslim woman" Khadr is constructed as a victim of his barbaric family and their dogmatic beliefs, implying that what he was stripped of is the right to be a white, secular youth. Much like the self centred myopic arguments leveled by Western feminists in their bids of 'save Muslim women,' the effort to 'help the poor children' implicitly supports war while also masking the violence that Western capitalism does to the young. Consider that, while liberal sympathizers cried tears for Khadr's "lost youth," we bore witness to the largest mass arrest in Canadian history due to G20/G8 protests, the majority of which were carried out by youth. Rather than wanting to protect the innocence of the young, we can see in these moments a definitive need to construct young people as lacking political agency in ways that curtail political action.

Jodie Foster was not the Only Rape Victim: the violence of Western Feminism

A final casualty lies in the bloody hands of Western feminism. As Butler points out,

a certain version and deployment of 'freedom' can be used as an instrument of bigotry and coercion. This happens most frightfully when women's sexual freedom or the freedom of expression and association for lesbian and gay people is invoked instrumentally to wage cultural assaults on Islam that reaffirm US sovereign violence (3).

This deployment of freedom privileges an imagined secular modernity that pathologises those who are imagined to exist in a space of anachronistic backwardness against "free" feminist subjects. In *A Map to the Door of No Return: Notes to Belonging* Canadian author Dionne Brand writes lyrically about the black body. While there are examples of neoliberal ranting, Brand's text is interesting precisely because it comes from the more progressive side of the feminist movement. Brand writes of African immigrant Amadu Diallo who was shot 41 times by police officers in New York, "Diallo, an unarmed African immigrant living in the Bronx, was shot 41 times by four white police officers....A police detective testified that Diallo's body was so riddled with bullets that some actually fell out of him as he was taken away from the scene" (47). Following this passage, she moves on to discuss other "brutalised bodies" Brand writes,

There are other bodies in the world which are brutalised. These examples are not a case for exclusivity. Women in Afghanistan are entombed alive in burqas. The Taliban has forced them out of public space; one cannot help but think that these men wish all women dead. They seem to require more than subservience, as they've constructed a vanishing of hundreds of thousands of women (48).

Written shortly after the bombing of the World Trade Centre, Brand takes a gender-centric, secular view of bodies. Women in Afghanistan are brutalised because of men. Not because the same American government that brutalises black people has set out on new colonial expeditions in countries rife with oil. Not because techniques of pathology that imagine Black bodies as too sexual must imagine Arab Muslim bodies as repressed to justify a liberation that looks a lot like imperialism. No. They are entombed. Not entombed by bombs, entombed by clothing. "Women in Afghanistan," all of them, despite class, politics, and location are held prisoners by men and the unchanging religions and cultures they are assumed to control. Brand continues by saying that "There are countless other examples of brutalised bodies, bodies which play a role as talisman and sign" (48). The "veiled woman" also plays a role as a sign. A sign of how the sexual freedom that western feminists organised entire movements around justifies the pillaging of large parts of the global south and justifies horrid fiscal policies in the west. Brand's text is also a sign, a sign of how identity politics collapses untranslatable lives into the language of race, class, and gender. It is a sign of the impossible solidarities between people whose oppression is rooted in state violence but made sense of narcissistically. Women who do not look like us are not free. We can commiserate but cannot stop and think it is the notion of freedom as bound to capitalism that might cause war to continue, supported by those who imagine, somehow, that a government that sodomised and shot a black man 41 times is helping women "fight the Taliban." Brand's text speaks to is how Western feminist wills to "save" Muslim women has implicitly supported the criminalization of young Muslim men like Omar Khadr.

This racist discourse speaks to a foundational failure within feminist narratives. Consider that a U.S interrogator told Khadr that he "would be ganged raped to death" in order to obtain the confessions that were later used against him. Military officers threatened Khadr with rape by a "large black man," invoking the vulgar trope of black man as rapist that derives its currency from slavery. Finally, consider that sexual torture has been an integral part of this war, with the bodies of Arab Muslim men facing hideous war crimes of sexual violence. The narrative of sexual violence that has been popularized by the western bourgeois feminist movement revolves around the private lives of white middle class women who are seen to be the only believable targets of sexual violence. Omar Khadr is not a rape victim in the eyes of feminists that centre the body of the white woman as the consummate victim of sexual assault. The larger meta narrative of failure lies in the inability of bourgeois feminists to politicize the ways rape and sexual violence as an integral part of the apparatus of the neo liberal state. "Feminism," like the discourse of "human rights" becomes one that is based in an individualized, private bartering of claims divorced from a larger political vision.

Remember Eugenics? The Biopolitical Face of the Khadr Case

The Omar Khadr case speaks to how virulent biopolitical racism is being used as a tactic of war. This hideous instance of biopolitics follows the general pattern of the war on terror which presupposes the Muslim body as threatening the life of the nation. The body of the Muslim with any trace of allegiance to religion, culture, or anti-patriotism is already associated with the death of the nation. As Žižek states,

What legitimizes such biopolitics is the mobilization of the fantasmatic dimension of the potential/invisible threat: it is the invisible (and for that very reason all-powerful and omnipresent) threat of the Enemy that legitimizes the permanent state of emergency of the existing Power (Fascists invoked the threat of the Jewish conspiracy, Stalinists the threat of the class enemy - up to today's "war on terror," of course). This invisible threat of the Enemy legitimizes the logic of the preemptive strike: precisely because the threat is virtual, it is too late to wait for its actualization, one has to strike in advance, before it will be too late...(373).

The notion of the "invisible threat" is particularly relevant as Khadr has been banished from the nation state only to be conjured up as a terrorist bogey man. After interviewing Khadr for eight hours, psychologist Michael Welner was allowed to give testimony regarding Khadr's mental health. It seems odd that an eight hour interview would discern a person's mental state. However, this is not extraordinary as Khadr has never been the liberal subject of rights. Welner did not need to engage with Khadr because as Memmi has said of the colonized, he bears the "mark of the plural." His pathology is predetermined through Orientalist ideas about Islam.

Welner relied on the work of Nicolai Sennels, author of *Among Criminal Muslims* (2008) in which Sennels claimed that, "massive in-breeding within the Muslim culture during the last 1,400 years may have done catastrophic damage to their gene pool." The point being made is a larger one regarding the racialisation of religion, and the investment in the death of the religious and specifically the Muslim subject. Foucauldian biopolitics refers to a style of government that regulates populations through biopower. According to Foucault (2007) biopower is, "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations" (140). The biopolitical aims of the state divest in the lives of the imagined Muslim "other" through war and more covert techniques such as detention, deportation, and the banning of religious signifiers. Sennels grotesque reference to in-breeding is as sick as it is telling. He captures the biopolitical spirit of contemporary racism, used as a thin veil for the capitalist interests at play in this war. Sennel's remark is an example of Orientalism par excellence. "Muslim culture" is a stupid utterance that collapses faith and bodies across time and space. Joseph Massad has remarked, there is rarely ever any consideration of time when one writes about Islam. In the Orientalist rendering of Islam, Muslims are monolithic others who exist within anachronistic time. Sennels vitriolic ranting speaks to how race and religion are conflated in similar ways as they were to used to justify the holocaust. Sennels reference to in-breeding speaks to the Eugenicist thinking that informs Islamophobia and has become frighteningly commonplace.

The mainstream coverage of Khadr's case offers a morality play based in biopolitical discourses which support the heteronormative bourgeois white secular family as they simultaneously produce homo sacer figures rife for death. There has been constant mention of Tabitha, the grieving widow of the U.S. soldier whom Khadr allegedly killed. The grieving widow of war and the two children she must raise are set against Khadr's monstrosity. In this gesture, the Khadr case becomes a matter of morality. Chantelle Mouffe has argued that one of the reasons we are currently unable to think politically is due to the moralizing of politics. The story is narrated to reconsolidate the fiction of the happy American family.

Where's Omar? An Art to the Political?

This summer, I returned to Canada to find lives gone missing like teeth. After the G20/G8 summit had faded out of the mainstream press, the city seemed still. Aside from the silence brought about by placing key activists under house arrest, there were others missing, lost to this unholy silence. Where was Omar Khadr? The paper cranes art collective was formed in the wake of the G20 protests in Toronto. It was formed amidst the rubble of a new world order of which Khadr's absence is integral. The art project, *Where's Omar?* takes the logo and

imagery from the children's book *Where's Waldo?*, a popular British story in which children must find the missing person, Waldo, who is hidden throughout the landscape of a city. The art collective constructed life size figures of Waldo and used pictures of a young Omar Khadr to stand in for Waldo's face. Chantelle Mouffe argues that all art is political. Mouffe (2007) refuses to make a distinction between political and non political art and instead states that,

One cannot make a distinction between political art and non-political art, because every form of artistic practice either contributes to the reproduction of the given common sense, and in that sense is political, or contributes to the deconstruction or critique of it. Every form of art has a political dimension (4).

Badiou and Žižek argue that a truly political act must change the situation. The politics of the Khadr case have not felt like politics, but like another sad example of the depoliticizing work of a rhetoric of "terror." Placing cut outs of Omar Khadr around the city will not stop war. It will not stop Orientalism. It will not alter a grammar of "citizenship" built around a secular western subject.

However, the formation of an art collective that constructs public art installations feels in some small way, political. In some small way, hopeful. Sociologist Max Weber, whose footsteps I am supposed to follow in, at the same time as his scholarship is based on my inferiority, wrote "the citizen" into being in the Western city. A logic guiding Weber's understanding of citizenship was that belonging necessitates capitalist acts. Citizenship made capitalism possible, capitalist citizens made Western cities possible. Yet, in forming paper cranes, we were gesturing to all that is also possible. Gramsci characterized his time as one of monsters, "the old world is dying, and the new world struggles to be born: now is the time of monsters' (cited in Žižek, 2010). So too, we live in a time of monsters. We are haunted by old colonial ghosts and the grotesque crimes of capital. Drawing on Deleuze, Žižek argues that it is not simply a matter of right and wrong answers, but also right and wrong questions. We must begin with an ability to question.

Where's Omar? Where is Justice?

More than this, what does this case tell us about contemporary politics? What does it tell us about what lies ahead regarding the war on terror and the lives of those marked as homo sacer figures through neoliberalist discourses of war? Despite the deaths of more than 1,300 U.S. service members and eight years since the war in Afghanistan began, the Pentagon has charged only one captive. So why Khadr? Why now?

Post Script: The Political

On Tuesday the announcement was made. The Harper government unveiled its plans for post 2011 operations in Afghanistan. Writing in the right wing paper *The National Post*, Terry Galvin stated,

The two-year paralysis that so utterly enfeebled Canada in the matter of this country's post-2011 re-dedication to Afghanistan is now officially over. Ottawa has come out of its coma, and now rejoins the company of the grown-ups in the 43-member International Security Assistance Force. With Tuesday's announcement, we take our place once again as a leader in the international cause of a sovereign and democratic Afghan republic (O'Neill & Alberts, 2010).

The political coma that surrounds Khadr continues. While discussions of human rights abound, Canada propagates neo colonialism. Khadr's case sets a disturbing precedent. Not only was Khadr not tried as a youth but he has been convicted of a war crimes murder for which there is no precedent. Rather than an aberration, the case sends a glaring message regarding America's ongoing investments in neocolonial ventures in the Middle East, Canada's collusion with American interests, and increased suspensions of civil liberties under the rhetoric of "home grown terror." Through Khadr, Canada defines itself against the infantilized Muslim other as a mature warring power. The country takes its place as a neoimperialist monster cowering behind words like democracy.

They will do as they have always done. They will take their seats at the adults table and talk of progress

while bombs drop. They will joke that those who refuse to take their seats are immature or savage. This has always been the way. We should not be surprised. We should not flinch. While they raise their glasses and toast to genocide, we will raise our voices and fists in praise of the political.

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