Fear and No-Fly Listing in Canada: 
The Biopolitics of the “War on Terror”

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Abstract: Canada’s no-fly list is examined here as a biopolitical plot line of the “war on terror”: one that is constructed on techno-scientific language and practices that authorize and legitimize “us” versus “them” discriminatory dichotomies and thinking. Given that the misidentification of “normal” people on no-fly lists is a rampant story in media reporting, this analysis also reveals that the “truth” of the efficient and effective policing of high-risk milieus of circulation, like airports, through discriminatory logics is a precarious one at best. The author argues that the no-fly list plot line of the “war on terror” masks the techno-deterministic and discriminatory thinking behind these post-9/11 security measures—that the right technological arrangement, deployed in the right way, can invariably solve any governmental problem, including terrorism.

Keywords: Security; Surveillance; Biopolitics; No-fly list

Résumé : Cet article examine la liste canadienne d’exclusion aérienne comme élément biopolitique de la « guerre contre le terreur », élément qui emploie un langage et des pratiques technoscientifiques autorisant et legitimant une dichotomie et une manière de penser discriminatoires fondées sur le « nous » contre « eux ». Étant donné que l’inclusion de gens « normaux » sur cette liste est un fait fréquemment médiatisé, cette analyse met en question l’idée que la surveillance de milieux à haute circulation comme les aéroports au moyen de logiques discriminatoires soit pratique ou efficace. L’auteur soutient que de telles listes d’exclusion aérienne qui font partie des mesures de sécurité prises après le 11 septembre pendant la « guerre contre la terreur » recèlent un mode de pensée techno-déterministe et discriminatoire où l’on croit à tort qu’il est possible de résoudre n’importe quel problème national, y compris le terrorisme, en recourant à une technologie quelconque qu’on pourrait utiliser de manière appropriée.

Mots clés : Sécurité; Surveillance; Biopolitique; Liste d’exclusion aérienne

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In the United States, more than 100,000 people have been “accidentally” harassed by the no-fly list, and it has caught a grand total of zero terrorists or criminals. Although it has caught dozens of police, military officers, small children and practically everyone with the name Mohammed, I’ve yet to see anyone claim that it’s doing a good job.


A no-fly list is collective punishment for a population that has done no wrong, it violates the rule of law and it will not stop terrorists from murdering innocent people. The no-fly list should be grounded.

—Editorial, *Vancouver Sun*, 2007

On June 18, 2007, Transport Canada Minister Lawrence Cannon put into effect a “no-fly list” with the intention of securing Canadian aero-circulation from the threats of domestic and global “terrorism.” Canada’s no-fly list, known formally as *The Specified Persons List*, was announced on October 27, 2006, and was presented as a critical component of the unveiling of Canada’s *Passenger Protect Program* (Transport Canada, 2006). On that day, the no-fly list was elaborated as a modest version of its counterpart in the United States¹ and was promised to contain the names of no more than 1,000 people (Transport Canada, 2007). Announcement of this controversial security arrangement was made despite the widely reported failure of its counterpart in the United States to “nab a single terrorist” (Kroft, 2006), despite repeated warnings from Canada’s Privacy Commissioner Jennifer Stoddart about the “chilling position” of being misidentified on the list (Butler, 2007c) and despite the serious incursions into privacy law and civil rights it was said to represent (Mayeda, 2007). Ironically, on the first day of its formal incorporation into Canadian aviation culture, the promise of 1,000 names was already broken, when Minister Cannon acknowledged that the list had mushroomed to some 2,000 names (CTV.ca News Staff, 2007). Given the ambiguity of claims that no-fly lists are critical instruments for securing aero-circulation in the “war on terror,” coupled with rampant reports of the sometimes-dire consequences of misidentification on such lists, why was this controversial security arrangement installed by the Canadian government?

On the day Canada’s no-fly list was publicly unveiled, Public Safety Minister Stockwell Day was quoted as saying:

Recent events such as the alleged terror plot in the United Kingdom highlight the importance of a program like Passenger Protect. We must remember that Canada is not immune to the threat of terrorism and we must remain vigilant. (CBC News, 2006b)

This article argues that under post-9/11 governmentality, in calculated high-risk milieus of circulation, like airports, being labelled a *specified person* takes on the metaphorical dimensions of disease. In this biopolitical plot line of the “war on terror,” states are cast as permeable organs that are threatened at their margins by dangerous, untreatable *specimens* multiplying at an extraordinary rate. And in this tale, *immunization* is carried out through the list, which is cast as the prescriptive instrument for reifying and policing allegedly diseased threats. As such, no-fly lists are explored here as key instruments and signifiers for containing and exclu-
ing the circulation of dangerous bodies, for limiting mobility, and overall, for preemitting the spread of a “terrorist epidemic” through leaky membrane-like borders. In this way, this article interrogates the “truths” that no-fly lists authorize and legitimize pertaining to securing the circulation of alleged “terrorist threats,” asking how this biopolitical plot line plays into the overall narrative of the “war on terror.”

Treichler’s (1988) examination of media reporting on the AIDS “outbreak” in the 1980s and her analysis of how biomedical discourse authorized and legitimized homophobia at that time demonstrated that the “epidemic” was less of disease and more of “meanings,” specifically pertaining to the circulation of allegedly dangerous bodies. Inspired by Treichler’s discourse analysis and method, this article argues that the scourge of terrorists that no-fly lists purportedly defend against also represents an “epidemic of meanings”—in this case not of a disease, but a plague nonetheless in metaphor: the multiplication and viral spread of “terrorist threats” in a series of unending fatalistic scenarios and social contexts. In the current “epidemic of meanings” surrounding the circulation of dangerous bodies that underpins the no-fly list plot line of the “war on terror,” a form of discriminatory thinking is authorized and legitimized through technoscientific discourse: that in the name of safety and security, “we”—“normal,” “civilized,” “healthy” “Western” people—need to be vigilant about identifying and separating “them” from “us.”

Razack (2008) has argued that underpinning the narrative of the “war on terror” is a form of Arendt’s (1973) “race thinking” that turns on three allegorical figures: the “dangerous Muslim man,” the “imperilled Muslim woman,” and the “civilized European” (Razack, 2008, p. 5). The latter character seldom materializes or is named in this narrative, but nonetheless “anchors the first two figures” (p. 5). Drawing on these figures, race is understood as a critical discourse of the “war on terror,” with “dangerous Muslims” and “civilized Europeans” authorizing and legitimizing black and white classifications of “normal” and “abnormal” that take shape in “us” versus “them” dichotomies. For Razack (2008), “us” versus “them” dichotomies are understood as pivoting a story about a “civilization obliged to defend itself against a menacing cultural Other” (p. 5). Ironically, in the no-fly list plot line of the “war on terror,” the menacing cultural “Others” that are defended against tend to be “innocent” citizens who have “merely” been misidentified.

The inconveniences and perils of misidentification on no-fly lists have been widely reported in the press. This body of reporting makes amply clear that “innocent” people incorrectly rendered as “Other” on a no-fly list have their normal rights and freedoms suspended, freedoms that are the hallmarks of the normative logics of biopolitics. In that respect, this article argues that the exclusionary logic of identifying, containing, and securing dangerous “Others” circulating in high-risk milieus through the coupling of techno-scientific discourse and discriminatory watch lists has become a central but highly problematic practice, rhetorical trope, and narrative of post-9/11 governmentality. As such, it is argued that the no-fly list plot line of the “war on terror” masks the techno-deterministic and discriminatory thinking behind these security measures—that the right technological
arrangement, deployed in the right way, can invariably solve any governmental problem, including terrorism.

**Lists as discriminatory instruments of biopolitics**

As the field of terrorism studies has clearly shown, the term “terrorism” is a highly contested and problematic one, where the only certainty is its constantly shifting meaning. In their seminal survey of terrorism meanings, Schmid, Jongman, & Stohl (1988) have identified and surveyed 22 definitional elements that constitute 109 definitions of the term employed by nation-states, experts, researchers, academics, and politicians depending on their agendas. Their extensive survey revealed not only the slippery slope inherent in defining terrorism, but also the extensive range of actors struggling to install their versions of its meaning. Indeed, it has long been acknowledged that one of the critical actors involved in installing terrorism meanings is the global mass media (Esposito, 1999; Herman, 1982; Herman & O’Sullivan, 1989; Karim, 2000; Said, 1981). Moreover, in the age of global media reporting, theorists like Said (1981), Esposito (1999), and Karim (2000) have all brilliantly demonstrated that the dangerous “Others” at stake in terrorism reporting are for the most part constructed on Muslim stereotypes.

In the murky waters of media reporting on no-fly lists in which this discourse analysis treads, the terms “terrorist,” “terrorism,” and the “war on terror” are sanctimoniously bandied about. Tuman (2003) has provided key insight into this struggle over meaning, understanding “terrorism” as a “communication process with rhetorical dimensions” (p. 17). For Tuman, attempts at defining terrorism are not about the actualization of specific meanings, but are about empowerment and marginalization, creating a contrast between “us” and “the Other” (p. 39). Indeed, this discriminatory function is what no-fly lists signify and operationalize in the narrative of the “war on terror.”

Recently, some theorists have drawn on concepts introduced by Agamben (1998, 2005) to understand the production of racialized and dangerous “Others” as characterized by a “state of exception” that takes historical root in Nazi Germany’s concentration camps. Agamben’s (1998) historical imperative of “the camp” obliges an analysis that considers this structure as the “hidden matrix of the politics in which we are still living” (p. 175). Under the logic of the exception and the arrangement of the camp, a sovereign power takes shape and is enforced where law ceases to apply for those segregated as “Other.” Clearly recognizable in “the zones d’attentes of our airports and certain outskirts of our cities,” the camp as a “dislocating localization” (p. 175) forms “the new biopolitical nomos of the planet” (p. 176). To approach the ways in which no-fly lists other people, and examine the discriminatory states of exception and milieus of circulation they help install and police, the analysis presented here turns to such work.

Bigo (2005, 2006), for one, has explored the hidden matrix of the camp and the state of exception in post-9/11 governmentality, invigorating this analysis of no-fly lists with the concept of the “ban-opticon”—the articulation of technologies of control, logics of abnormality, and routines of exclusion through which contemporary security arrangements take shape. For Bigo (2006) the narrative of the “war on terror” begins with the “security of airplanes,” arrangements that he has argued
are “unequal and do not target the same people the same way. They reinforce the advantages of some and the disadvantages of others” (p. 57). Moreover, as Razack (2008) demonstrated in her analysis of Canadian security hearings, the state of exception and the camp—this form of sovereign power—not only turns on the calculation of advantage and disadvantage, but also reinforces a form of “race thinking” that discriminates between “Us” and “Others,” installing a social order that is rife with contradictions.

These contradictions are readily apparent in no-fly list reporting, epitomized by the string of cases of babies and priests identified on no-fly lists because their names matched those of alleged terrorists (Associated Press, 2006b; Dickson, 2007). But despite reports of such Kafkaesque scenarios of misidentification, and what appears to be clear evidence of the severe limitations and dangers of trying to discriminate between “Us” and “Others” through techno-scientific practices, lists continue to grow as tools to police the exception—ones that open the gates to the camps where “dangerous” people are evacuated of the rights and laws attributable to “normal” citizens.

In pointing out the contradictory nature of no-fly lists, this analysis at once recognizes the role of computerized technologies of control in contemporary security and surveillance, but also points our attention back to the fundamental way in which corporeal bodies are marked and signified as different, abnormal, and threat. The logical extension of the digital profile and the risk-assessed identity is the list, the foundational inclusionary and exclusionary political form through which the circulation of dangerous people is reified and policed. That is to say, most analyses of contemporary security and surveillance arrangements have tended to emphasize the panoptic capacities of networked technologies (Bigo, 2005, 2006; Elmer, 2004; Lyon, 2003, 2006; Zureik & Salter, 2005). What is lacking in such analyses is an understanding of how the list operationalizes panoptic observation—how it enforces the ban. As such, attention is drawn here to an older foundational form of policing alleged “threats,” one that is deeply implicated in the narrative of the “war on terror”: the list and how it signifies dangerous bodies and serves as the critical instrument for containing “them” in biopolitical power formations.

The discriminatory legal logics of no-fly lists

From a legal standpoint, as of June 18, 2007, remaining vigilant to the threat of terrorism in Canada meant that individuals factored to be terrorist threats or to have committed a “life-threatening crime” are placed on the Specified Persons List. List membership is decided on a case-by-case basis by an Advisory Group headed up by Transport Canada that includes members of the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS). Individuals are reportedly placed on the list according to the following criteria:

An individual who is or has been involved in a terrorist group, and who, it can reasonably be suspected, will endanger the security of any aircraft or aerodrome or the safety of the public, passengers or crew members;

An individual who has been convicted of one or more serious and life-threatening crimes against aviation security;
An individual who has been convicted of one or more serious and life-threatening offences and who may attack or harm an air carrier, passengers or crew members. (Transport Canada, 2006)

Based on the discriminatory logic of abnormality that scaffolds this extralegal measure, such dangerous individuals cannot be contained in any other way than through the evacuation of their fundamental rights to mobility rendered through the extraordinary power of no-fly lists to secure airports and air travel through the quarantining of allegedly threatening bodies. Razack’s (2008) “race thinking” logic dictates that if such extraordinary measures are warranted,

it is surely because “they (those who threaten us)” are not like “us” and can only be stopped with brute force. . . . It is the notion of prevention, the detaining and deporting of individuals before they have committed a crime, that best sums up the post-9/11 changes and the increasing logic that law must be suspended in the interests of national security. (pp. 28–30)

In this way, “race thinking” is imbued in the “conceptual arsenal of the war on terror” (Razack, 2008, p. 22), authorizing and legitimizing a pre-emptive exclusionary legal logic turning on the evacuation of fundamental laws and rights. This logic that “they are not like us” and need to be sequestered through the suspension of rights is clearly in evidence in the case of no-fly lists. For example, on August 30, 2006, a Reuters News Service headline ran worldwide: “Pakistani-American teen, father barred from U.S.” This story chronicled how two relatives (Mohammed and Jaber Ismail) of a father and son (Umer and Hamid Hayat) recently convicted of terrorism charges in the United States had been placed on the U.S. no-fly list while in Pakistan, and had been barred from American soil unless they agreed to be interviewed by the FBI in Islamabad. According to reports, despite no direct evidence of Mohammed (45 years old) and his 18-year-old son Jaber Ismail’s involvement in a terrorist network, their bloodlines to recently convicted terrorists made them “guilty enough” to be segregated and listed as dangerous “Others.”

Through the lens of “race thinking,” what the Ismails were doing in Pakistan when they were placed on the U.S. no-fly list—the son participating in a vaguely defined “religious” camp coupled with the father’s refusal to cooperate with the FBI interviewers as well as their familial ties—certainly sounded suspicious, especially to anyone who might have been tuning in FOX Television’s 24 series at the time. But as one of the Ismails’ lawyers was quick to note, suspicion is not law, and “if the government had evidence instead of innuendo, then they would be charged with a crime instead of being held hostage in a foreign land” (Reuters News Service, 2006). However, the behaviour patterns of the Ismails and their familial connections made them “guilty enough” to be placed on the no-fly list and thus impelled into a state of exception where the laws and rights attributable to normal citizens cease to apply. As such, the civil liberties arguments advanced by their lawyers fell on deaf ears. As reported in the New York Times:

Carl W. Tobias, a law professor at the University of Richmond who has studied terrorism prosecutions, said the Ismails’ situation raised a host of
difficult legal issues. “There are a lot of Supreme Court cases on the right to travel,” Mr. Tobias said. “But you have to play them against the Patriot Act and whatever legislation may apply. This does render them stateless in some ways.” (Archibold, 2006)

The “whatever” legislation enforced through security measures like the Patriot Act is extralegal legislation that, ironically, suspends the law, thus producing the “stateless” state of exception in which the Ismails found themselves. Through the Ismails’ case, we can see what Razack (2008) describes as “the arbitrary character” of laws associated with the “war on terror,” “where stereotypes hold sway and arguments, in the absence of evidence of wrong-doing, rest primarily on the idea that they are not like us and they will pose a threat to us” (p. 34). Further, Razack has argued that anti-Muslim racism now operates as a culture of exception, where to be profiled as a terrorist is to have a high chance of being taken to a place of law without law. Those who are profiled soon find themselves on lists, under surveillance and under suspicion, and in detention—states from which they cannot easily emerge. (p. 34)

Five months on, the Ismails were granted the right to return to their home in California. Despite the case raising “questions about balancing terrorism investigations against American citizens’ right to travel freely without having been charged with a crime or detained as a suspect” (Archibold, 2006), the “whatever” legislation pertaining to the U.S. no-fly list that places people in such states of exception continued to remain in full effect. The case of the Ismails clearly demonstrates how in the legal construction of no-fly lists, national security trumps civil rights and liberties. And in this biopolitical plot line of the “war on terror,” privacy is clearly one of the critical rights being trumped.

At its core Canadian privacy law relies on two fundamental principles—notice and consent—and these “twin pillars” are meant to ensure that Canadians are notified of, and consent to, the collection, use, and disclosure of their personal “identifiable” information. But as Geist (2007) notes, “[C]ritics argue that both notice and consent today are little more than legal fictions, as consumers ignore overly complex notices and shrinking technology makes it virtually impossible to obtain informed consumer consent.” Furthermore, Canadian privacy law also distinguishes between “personally identifiable” (legally protected) and “non-identifiable” (not legally protected) information, a distinction that data-mining and risk assessment logics and global networks are also rendering irrelevant. Moreover, the use of supercomputers to troll, scrape, and factor continually expanding and ever-evolving social and biometric data on everyday citizens in the name of security also serves to authorize and legitimize the “us” versus “them” dichotomies on which this form of techno-scientific security turns.

Although there exists a tendency in media reporting to privilege “us” versus “them” dichotomies, no-fly list security measures do not actually take root in a black and white world, but in the greyness of a continuum of everyday practices that relies on the amassing of endlessly expanding social and biometric data. U.S. National Security Agency whistleblower Russell Tice recently explained how security professionals in the United States factor terrorist threats by monitoring
the everyday communications, financial records, and credit card transactions of all Americans:

This is garnered from algorithms that have been put together to try to just dream up scenarios that might be . . . associated with how a terrorist could operate. If someone just talked about the daily news and mentioned something about the Middle East, they could easily be brought to the forefront of having that little flag put by their name that says potential terrorist . . . Then all [of a] the sudden it marries up with something else 10 years from now, and they get put on a no-fly list [without having] a clue why. (Corelis, 2009)

With this techno-scientific construction of terrorist threats, new “truths” surrounding threatening bodies emerge: that they are listed objects signifying their exclusion from the laws attributable to “normal” citizens. As such, what changed for Canadians with the implementation of the Specified Persons List were not the realities of the “war on terror,” but how terrorist threats would be constructed linguistically, understood metaphorically, and practically policed. Through this techno-scientific lens, national security both masks and trumps “minor inconveniences,” like being misidentified on a list, providing the justification for laws that suspend the law for those listed as “Other.” At the same time, these security arrangements authorize and legitimize more such discriminatory measures as necessary in the “war on terror.”

But if the suspension of laws and rights that no-fly lists anchor are born of the “war on terror” and a scourge of “terrorist threats,” how then can the case of Andrew Speaker be explained? In May of 2007, Speaker, an American citizen who contracted a drug-resistant form of tuberculosis while honeymooning in Rome, was placed on the U.S. no-fly list (Hashmi, 2007a). Unable to return from Europe and desperate to get home, Speaker subverted the U.S. no-fly list by boarding a plane in the Czech Republic and flying into Montreal, Canada, then crossing the border by land (Hashmi, 2007b). Widely reported, the case of Andrew Speaker was presented as a “legal beacon” (Associated Press, 2007) for streamlining and unifying U.S. and Canadian no-fly lists and the databases through which they are culled (CNN News Services, 2007). At that time, U.S. Department of Homeland Security Secretary Michael Chertoff was quoted as saying:

We only have the ability to put people on watch lists coming into our country, It would have been good if we had a system that allowed us and the Canadians to have a common picture . . . The Canadians could have picked up this individual (before) getting into Canada, if the two countries had a fully integrated system to share information on passengers who pose a health threat. (Alberts, 2007).

The case of Andrew Speaker not only highlights the wide-ranging political and legal imperatives of social and biometric database-driven surveillance, but also demonstrates the contradictions inherent in black and white constructions of alleged terrorist threats that are culled from the continuous stream of everyday social, political, and techno-scientific surveillance practices. Under the exclusionary logic of no-fly lists, Andrew Speaker’s health condition rendered him as a terrorist threat,
evacuating his rights to mobility and placing him in an exceptional state in need of containment. Throughout the coverage of this case, Canada’s health minister Tony Clement refused to comment on whether or not the idea of creating a specific no-fly list for people with contagious diseases was an option that would be considered in future policies and laws to prevent the recurrence of such an outbreak (Hashmi, 2007b). Given Transport Canada’s legal criteria for people’s inclusion on the no-fly list as strictly pertaining to an individual’s involvement in terrorist organizations, or the commission of serious life-threatening crimes, how will Canadian government officials deal with such health-based risks in the future? Will those suffering from contagious diseases be forced into the no-fly list’s legal procrustean “terrorist threat” bed, as was Andrew Speaker? Will a new list be started for those with contagious diseases? Such questions remain unanswered.

The techno-scientific construction of no-fly lists
In the indeterminate extralegal space that no-fly lists serve, the logic is to pre-empt terrorist threats, and such security practices are largely represented as turning on data-mining and pattern recognition across national and global surveillance infrastructures. As Bigo (2006) has argued, the “professionals of politics” (p. 55)—those who conduct security experiments in the laboratories—insist that the solution to terrorism lays in the “capacity to trace the movement of people, to recognize patterns of behaviour and to prevent suspected terrorists or criminals to act” (p. 55). Experiments in data-mining and pattern recognition involving massive expenditures of money are meant to convince people that their safety is of pre-eminent concern to the government, who are doing what needs to be done to pre-empt terrorism through the securing of “normative mobility” (Bigo, 2005). As Elmer & Opel (2006, 2008) have also argued, the “war on terror” turns on a logic of pre-emption that posits an “inevitable future” of terrorist attacks wherein “what if” scenarios have been displaced by “when-then” certainties of strikes. In their analysis of this fatalistic plot line that pivots the “war on terror,” complex computer algorithms and technological networks are understood as the critical security arrangement mitigating the inevitable future of terrorist threats. However, normative mobility is not enacted through techno-scientific practices alone, for it is not the digital profile, computer algorithm, or risk-assessed score that ultimately marks, concretizes, and reifies the threat: it is the list. Where profiles can be understood as indicators of risk, it is ultimately the name on the list that calls the state of exception into being, operationalizing the ban and invoking the looming omnipresent camp.

Given the narrative of the inevitability of “when-then” terrorist strikes on airplanes that underpins no-fly lists, how are the advantages of some and the disadvantages of “others” assessed? As Foucault (2007a, 2007b) has clearly shown, experiments pertaining to the calculation of secure circulation are not new, nor are the ways such forms of calculated security are legitimized and authorized through statistical techno-scientific practices, which in the case of no-fly lists, privilege a truth derived from experiments in networked data-mining. Consider these insights into risk assessment, global networks, and the prediction of inevitable terrorism that security “expert” Bruce Schneier offers in a *Forbes* magazine article dated January 8, 2007, entitled “They’re Watching”:
[The Automated Targeting System] assigns a “risk assessment” score to people entering or leaving the country, or engaging in import or export activity. This score, and the information used to derive it, can be shared with federal, state, local and even foreign governments. It can be used if you apply for a government job, grant, license, contract or other benefit. It can be shared with nongovernmental organizations and individuals in the course of an investigation. In some circumstances private contractors can get it, even those outside the country. And it will be saved for 40 years. Little is known about this program. Its bare outlines were disclosed in the Federal Register in October. We do know that the score is partially based on details of your flight record—where you’re from, how you bought your ticket, where you’re sitting, any special meal requests—or on motor vehicle records, as well as on information from crime, watchlist and other databases . . . any system like this will generate so many false alarms as to be completely unusable. In 2005 Customs & Border Protection processed 431 million people. Assuming an unrealistic model that identifies terrorists (and innocents) with 99.9% accuracy, that’s still 431,000 false alarms annually.

Hearkening back to the Cold War, Schneier (2007) concludes with sharp criticism:

There is something un-American about a government program that uses secret criteria to collect dossiers on innocent people and shares that information with various agencies, all without any oversight. It’s the sort of thing you’d expect from the former Soviet Union or East Germany or China. And it doesn’t make us any safer from terrorism.

The point here is not whether this security “expert” is “right” or “wrong,” rather that ambiguity and uncertainty are features of techno-scientific practices surrounding the identification of alleged terrorist threats and as such are statistical uncertainties—like those unearthed in any laboratory (Latour & Woolgar, 1986)—that must be socially and linguistically managed. What is reportedly at stake here are innocent people’s lives, threatened by those who lurk in the dark corners of an increasingly globalizing, highly connected, and converged world. What is taken for granted in this conception is that the containment of threats takes as its basis techno-scientific amalgamations of network technologies and risk assessment techniques whose outputs are watch lists that call alleged terrorist threats into reality for policing.

As Foucault (2007a) has so eloquently demonstrated, the “calculation of risk shows straightaway that risks are not the same for all individuals, all ages, or in every condition, place, or milieu” (p. 61). Under governmentality, zones of higher and lower risk are calculated based on the intrication of people and things. We are reminded here that Foucault’s (2007b) governmentality extends beyond the form of discipline on which most discursive analyses hinge, rather, concerning itself with the “intrication of men [sic] and things” (p. 97): how they are arranged and circulate in calculated zones of higher and lower risk. For Foucault (2007a) the calculation of risk enables the identification of what is labelled “dangerous” (p. 61), and these statistical operations make no distinctions between people and things. When reporting on the AIDS epidemic was at its zenith in the
1980s, reports concerning how different kinds of everyday objects could be implicated in the spread of the disease were at a maximum. From sharing nail clippers to sharing intravenous needles, the media reported endless ways the disease could be spread through the intrication of people and things, and endless precautions that therefore needed to be taken. As Treichler (1988) demonstrated, the laboratory went into overdrive at that time, factoring and experimenting on endless scenarios of dangerous circulation. The laboratory’s expertise, as with all epidemics, was drawn on to explain, to caution, and to reassure people living in fear.

In the case of the epidemic spread of viral terrorist bodies, it is not surprising then that given the possibilities for calculating risk in endless “when-then” scenarios, no-fly lists would also contain everyday household objects. Headlines like “Feds add juice, sprays to no-fly list” (Canadian Press Services, 2006) have indeed become commonplace.

“Since the initial total ban [on liquids] experts from around the government and our national labs have conducted extensive explosives testing to get a better understanding of this specific threat,” said Hawley [Assistant Secretary of Homeland Security]. . . . While this novel type of liquid explosive is now an ongoing part of the terrorist playbook and must be dealt with, we now know enough to say that a total ban is no longer needed from a security point of view.” So what’s now off the no-fly list? Vindicated toiletries include lip gloss, saline solution, shampoo, toothpaste, shaving cream, gel deodorant and liquid antibacterial soap—all of which were banned last week but are now allowed in 3-ounce packages. Lipstick and solid deodorant were never subject to the ban and are therefore still allowed on commercial flights. And, there are some oddities in what’s permitted and not in the cabin—yes on knitting needles, no on pool cues. (Banay, 2006)

The “professional” techno-scientific laboratory is taken for granted in this narrative construction as the critical site of security solutions, cast as the central figure in deciding what will and will not fly. The laboratory is also seen as the penultimate “vindicator,” whether of “toiletries” or innocent people, from threatening labels and classifications—from being constituted as “dangerous” objects of knowledge on lists. By invoking the laboratory, the techno-scientific construction of no-fly lists not only cautions and reassures, but also figures the terrorist threat anew, shifting the epistemological locus from physical, corporeal bodies and the potential risks they pose to assemblages of risk-assessed representations of people and things: interacting scores circulating in global networks factored in endless when-then scenarios. Under the exclusionary logic of no-fly lists, when techno-scientifically derived intrications of people and things are determined to be threats, the epistemological shift is followed up by the reverse move, from risk-assessed representation back to the corporeal body, which is listed as threat, rendered as exceptional, and provided entrée into the camp, where laws and rights are evacuated and containment of the threat is purportedly achieved.
The popular construction of no-fly lists: An epidemic of meanings

We need to insist on the normalization of emergency as a technique of government by unease, and on the success of the differentiation between a normalized population which is pleased to be monitored ‘against danger’ and an ‘alienation’ of some groups of people considered as dangerous ‘others.’ (Bigo, 2006, p. 63).

Given the “perpetual emergency situation” that scaffolds the narrative of the “war on terror” and the colossal uncertainty surrounding who and what constitutes an alleged threat—evident in the cases of both the Ismails and Andrew Speaker—it seems only reasonable to suggest that popular conceptions of terrorist threats differ greatly, often deriving from stereotypes based on discriminatory thinking. “To label them misconceptions implies what? Wrongful birth? That only facts can give birth to proper conceptions and only science can give birth to facts?” (Treichler, 1988, p. 36) In the plot line of the epidemic spread of viral terrorist bodies that gives shape to the narrative of the “war on terror” it is clear that techno-science plays a similar critical role: giving fact to security measures like no-fly lists based on extralegal constructions that turn on the logics of exclusion and discrimination. Moreover, these logics are masked by a techno-deterministic faith that technology can solve any governmental problem.

In that respect, despite the best efforts of security professionals, there is no exact science on the horizon to wage war on the so-called epidemic of terrorism, one that would accurately and precisely predict and give unequivocal fact to a terrorist threat and outbreak. Therefore, no-fly lists are less about the realities of containing a terrorist epidemic than they are signifiers of an epidemic of meanings surrounding anti-terrorism measures. This epidemic of meanings is readily apparent in the contradictory and chaotic conceptions of “no-fly lists” in media reporting. The following list of some of the many ways no-fly lists have been characterized in news suggests their enormous power to generate meaning surrounding terrorist threats and national and global security realities:

• As key tools in the “war on terror”

• As utterly useless in the “war on terror” (Kutty, 2007; United Press International, 2006)

• As protecting innocent citizens in their rights to mobility and free movement; “only bad guys are on these lists” (Hall, 2006)

• As abetting terrorism in their own right, providing a vetting system for would-be terrorist candidates, those who make it onto the planes being the best candidates (Schneier, 2007)

• As posing a serious threat to privacy (Butler, 2007b)

• As presenting a real danger for people misidentified on them (CBC News, 2006a), removing “innocent” people’s fundamental rights, and possibly subjecting them to dire mistreatment (Canadian Press Services, 2007b)
• As perfectible technological solutions in iterative development (Canville, 2007)

• As highly fallible security systems that limit civil rights and liberties (Gugliotta, 2006)

• As tools for individual, local, national, and global security (Associated Press, 2006a)

• As tools that can be misused for carrying out political agendas (Dobbin, 2007) and revenge (most notably the case of U.S. Senator Edward Kennedy’s name appearing on the no-fly list) (Kroft, 2006)

• As political tools that could wind up in the wrong hands (Brennan, 2007; Bronskill, 2007; Canadian Press Services, 2007b; Globe and Mail News Staff, 2007)

• As broadening beyond securing terrorist threats to a plethora of social contexts, including health threats, gang threats, organized crime, illegal immigrants, et cetera. (Singel, 2007)

In light of this epidemic of meanings, the implications of Canada’s Specified Persons List cannot be effectively understood if they are only approached through the discursive lenses of law and techno-science. Popular conceptions and myths surrounding no-fly lists and what constitutes a “terrorist threat” need to be understood as well. Canada’s Specified Persons List is not just an extralegal security apparatus; it is also, and equally, a global social metaphor, representing the semantic and linguistic work of Canadians and people of the world making sense of a “war on terror.” As part of the narrative of the “war on terror,” the plot line of no-fly lists serves as the key metaphor for effecting and policing the divisions between the “civilized” and the “dangerous”—us and them—both linguistically and practically.

As such, no-fly lists are to be understood as a linguistic and material reality—“a duality inherent in all linguistic entities” (Treichler, 1988, p. 40)—wherein the “terrorist threat” constructed through the discriminatory and exclusionary logics subtending no-fly lists can carry with it dehumanizing, and at times life-threatening, consequences for those identified as “Other.” No case better exemplifies this than that of the Canadian citizen Maher Arar, who, as a result of having his name appear on the U.S. no-fly list, was extradited to Syria, where he endured over one year of imprisonment and torture. Subsequently, despite having been declared innocent of any terrorist actions or affiliations by the Canadian government, Arar has yet to receive an apology from the U.S. government, nor has he had his name removed from their no-fly list (Canadian Press Services, 2007a).

As Arar’s case makes clear, who constitutes an alleged “terrorist threat” and the policies and practices surrounding how names are delimited on no-fly lists are at once questions of local, national, and global law and governance. At the same time they represent an epidemic of meanings evident in popular media. Indeed, the epidemic of meanings surrounding the “war on terror” is critical to explore, for try as the “professionals” might to understand and treat threats as what Haraway (1997) has called “problems in code” that can be policed through the
data-mining and exclusionary logics of security assemblages, like no-fly lists, no such apparatus has ever succeeded in stopping a terrorist threat (Kutty, 2007; United Press International, 2006).

Yet despite such ironies, security arrangements like no-fly lists that call “them” into reality continue to spread at an extraordinary rate. In fact, no-fly lists are increasingly providing the basic language, legal practices, and popular conceptions of how to contain “them” in a litany of other calculated zones of higher and lower risk (Singel, 2007). Throughout this survey, a series of other no-[fill-in-the-blank] lists emerged worldwide, ones that were installed to police a variety of social milieus beyond the realm of aero-circulation. These include no-stay lists (for Australian hotels), no-buy lists (for the purchase of large commodities in the United States), and no-work lists (to police migrant workers in the United States).

**Resisting and reconstructing no-fly lists**

As [the British writer and literary critic] Christine Brooke-Rose demonstrates, one must pay close attention to the way in which these apparently fundamental and natural semantic oppositions are put to work. What is self and what is not-self? Who wears the white and who wears the black hat? (Or in her discussion, perhaps, who wears the pants and who the skirt?) (Treichler, 1988, p. 64)

How to intervene into and how to renegotiate the powerful cultural narratives surrounding no-fly lists as they operate in contemporary governmentality are complex questions, and ones that require significant tenacity to approach. Fear of “Others” is inscribed within no-fly list discourse at such a deep level that it is difficult to dislodge. When our public security minister tells us that “Canada is not immune to terrorism” and that “we must remain vigilant to the threat” (CBC News, 2006b), he is merely redeploying a message that has been conveyed throughout time, and one that has been used historically to justify invasive security and surveillance measures and discriminatory social logics: “they” lurk out there in every corner, posing mortal threat to “us,” and therefore need to be contained through extraordinary legal measures that suspend the law and evacuate rights.

Living as we do under a continuum of techno-determinism, there might appear to be little room for intervention into the taken-for-granted “us” versus “them” dichotomies that underpin no-fly list security arrangements. But throughout this survey, while the Canadian government remained “tightlipped” (Butler, 2007a) about the dangers of the no-fly list’s exclusionary logic, the editorial pages of Canada’s newspapers certainly did not. Nor did Canada’s Privacy Commissioner, Jennifer Stoddart, who repeatedly warned of the serious incursions into Canadians’ rights and the destruction of the “twin pillars” of privacy law—notice and consent—the introduction of Canada’s no-fly list represented (Butler, 2007c). Indeed, it is the dangers of living under a continuum of techno-determinism that the Privacy Commissioner of today and tomorrow will grapple with and attempt to draw to the attention of everyday Canadians. On June 8, 2007, Don Butler wrote in the *Ottawa Citizen*:

Stoddart said the list represents a “serious incursion” into the privacy and mobility rights of Canadians. “The increasingly intrusive use of your
identity in order to make decisions about you as an individual are pretty drastic. This could turn into quite a nightmare for some ordinary citizens. Every time we go to the airport, do we expect to be challenged? That may be the new world. Increasingly one wonders how effective is this going to be. Is this simply going to widen into another net through which to filter civil categories of people?” (Butler, 2007c)

In addition to Stoddart’s repeated warnings about the erosion of privacy rights inherent in the no-fly list, Muslim community groups, migrant justice groups, and the Council of Canadians spoke out on the issue and rallied together in August 2007 in Montebello, Québec, to denounce and protest the Security and Prosperity Partnership (SPP), an initiative proposed in 2005 to streamline trade and security policies across North America. Expressing great concern with the kinds of “deep integration” inherent in this initiative that would force Canada and Mexico to adopt U.S. security policies, the Council of Canadians produced a report entitled *Behind Closed Doors: What They’re Not Telling Us about the Security and Prosperity Partnership* (Council of Canadians, 2007a). In the section devoted to no-fly lists, the report not only details the “significant scaling back of human rights and civil liberties in Canada” the no-fly list represents, but also expresses great concern for the merging and streamlining of biometric standards and databases across Canada, the United States, and Mexico (Council of Canadians, 2007b).

Of particular note to this analysis is the council’s discussion of the NEXUS program that allows “trusted travelers” to cross the border hassle-free for five years. “[It is] the opposite of the no-fly list, where citizens are ‘risk-graded’ based on where they were born and with whom they associate. NEXUS passes, on the other hand, are only handed out to ‘low-risk’ citizens whose travel is economically important” (Council of Canadians, 2007b). Clearly in evidence here is the pre-eminent role that the calculation of risk and secure circulation plays in contemporary security arrangements. As the report reveals, this “segregated class system” has now been “translated” into immigration policies under the SPP as well (2007b).

Clearly, the many meanings, significations, and stories no-fly lists represent are neither simple nor under any specific discursive control. No-fly lists exist at a point where many entrenched plot lines about the “war on terror” intersect, each with their own problematic context in which the alleged terrorist threats they represent acquire meaning. No wonder most people cannot resist the temptation and reassurance of us/them, good/bad, and black/white discourses surrounding no-fly lists. Therein “a series of discursive dichotomies” (Treichler, 1988, p. 63) are inherited, as the discourse of no-fly lists attaches itself to various systems of difference and plays itself out there:

- us and them
- healthy and diseased
- Islam and the “free world”
- humans and machines
- civilized and dangerous
- good guys and bad guys
- certainty and uncertainty
- self and other

There is little doubt that for many people the emergence of no-fly lists lends force to their fear of terrorists—to their fear of “Others”—and at the same time pro-
vides reassurance in an increasingly uncertain world. In this biopolitical plot line of the narrative of the “war on terror,” discriminatory thinking taken up as a system of difference masks the techno-deterministic continuity of these processes. At the same time, techno-scientific discourse accustoms people to the idea that the suspension of laws and rights is legitimate and warranted in the interests of security, despite the sometimes dire consequences of misidentification.

Repeated warnings that terrorists are everywhere among us suggest that legal, techno-scientific, and popular discourses surrounding no-fly lists all take as their underpinning assumption that fears borne of everything and everyone are legitimate in an unending array of social contexts and scenarios. Moreover, the multiplicity of meanings surrounding the construction of “terrorist threats” is driven in large part by a historical need and tendency to create ever more oppositions between people, to constantly distinguish “them” from “us.” In other words, no-fly lists, and watch lists in general, and their constituent alleged “threats” are signifiers that in many ways have been and can be embraced forever, in an unending array of social contexts.

Conclusion

The will to control time and space, present and future, here and there, has an effect that goes beyond antiterrorist policies; it creates a powerful mixture of fiction and reality, or virtual and actual, which merges their boundaries and introduces fiction into reality for profiling. (Bigo, 2006, p. 62)

The logics of abnormality, routines of exclusion, and technologies of control through which no-fly lists take shape, or what Bigo (2006) has described as the “ban-opticon,” turn on a form of discriminatory thinking where discourses surrounding the need to secure “us” from “them” (Razack, 2008) are pre-eminent. As such, the high-risk milieux of circulation that no-fly lists serve can be understood as taking root in a biopolitical culture of exception where lists are engaged as the primary tools for discriminating and policing who is normal and who is abnormal—who is diseased and who is not—providing entrée into the camps where rights and laws attributable to citizens are evacuated for those listed as “Other.”

The extralegal and exceptional culture of no-fly lists I have described here is underpinned by a form of systematic discrimination that lists have reinforced for a long time. In this plot line of the “war on terror,” the misidentification of “innocents” is seen merely as a “problem in code,” perfectible through the engagement of increasingly sophisticated computer technologies, risk assessment algorithms, and more and more no-[fill-in-the-blank] lists to secure milieux of circulation. Underpinning these ban-optic security arrangements is a discourse of “national security” wherein the criteria by which “Others” are factored as “threat” are considered sacrosanct intelligence, the highest “classified” matters of national security. For even those who have been misidentified cannot know why, how, or when their identities came to be listed as alleged terrorists, as surely this would impact the normative mobility that conjunctures like no-fly lists are expressly deployed to ensure. Moreover, this techno-deterministic faith masks the discriminatory foundation of no-fly list security measures: that “they are not like us” and need to be identified, contained, and evacuated of rights and laws attributable to nor-
mal citizens. This makes the criteria underpinning no-fly lists even more precious and protected, and at the same time, all the more important to unloosen as a key site of struggle.

Intervening into no-fly list security arrangements will require “us” to relinquish some of the most pervasive myths of the ages—our epic tales of normal/abnormal, good/evil, and us/them. We need to use what techno-science has given us in ways that are open, critical, conscious, pragmatic, legal, and just. We need to understand that the “war on terror” and “no-fly lists” and their alleged “terrorist” constituents are historical, provisional, and deeply problematic signifiers that are rooted in discriminatory thinking and techno-scientific discourse, and recognize the dangers, contradictions, shortcomings, weaknesses, and loopholes inherent in such security arrangements. Above all, we need to resist thinking about risks and threats all around us, and moreover, our justification for protection from imagined “Others” through the exclusionary and discriminatory logics of lists.

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Notes
1. The Canadian government was inspired by its American counterpart, which had been re-invigorated in the wake of the 9/11 attacks through the enacting of the U.S. Aviation and Transportation Security Act in November 2001, formally establishing the Transportation Security Administration (TSA) as the administrator of the U.S. no-fly list. Canada’s program resulted from the Public Safety Act of 2002, which bequeaths the transportation minister the right to identify individuals who pose risks to aviation security—and to administer and maintain a list of such individuals (Alphonso, 2007). Unlike the U.S. government, who will not divulge the criteria by which people’s names are included, the Canadian government has provided the vague criteria for the inclusion of names on the list. In the United States the number of people on the list fluctuates, is kept secret, and is acknowledged by the U.S. Department of Homeland Security to contain the names of tens of thousands of people (whereas independent estimates actually place the number in the hundreds of thousands) (BBC News Services, 2007). In terms of appeals processes for getting names removed from no-fly lists, the U.S. Congress legislated in 2004 that the TSA create a system that allows people to correct inaccurate information that misidentifies them on their list, also directing the Department of Homeland Security to create an oversight board to ensure that anti-terrorism measures do not infringe upon individual rights and liberties. In Canada, any person who has been misidentified on the list has the right to appeal to Transport Canada’s “Office of Reconsideration” (Transport Canada, 2007). Canadian citizens also have the right to take the case of misidentifications on The Specified Persons List to Federal Court.

2. To survey the various legal, techno-scientific, and popular meanings invoked through no-fly lists, a corpus of stories was gathered over the Internet using the Google News Alert between March, 2006 and November 2007. The Google News Alert (2006, March–2007, November) consists of an automated tracker that searches and browses 4,500 news sources continuously, sending an email alert every time an Internet-based “news” source contains the specified search term. In the time period surveyed here, at least one or two emails appeared daily, peaking at times to 15, such as in the 24-hour period after Canada unveiled the “take-off” of its no-fly list, producing a corpus of over 500 news items. Google’s automated news aggregator includes all of Canada’s English-language major news sources as well as established news sources from around the world, including the New York Times, International Herald Tribune, Jerusalem Post, British Broadcasting Corporation, and others.

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