

**Counterpublics, Memory
and the Politics of Forgiveness**

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Daniel Drache, Senior Research Fellow and Associate Director

Robarts Centre for Canadian Studies
York University, Toronto
www.robarts.yorku.ca

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By Daniel Drache *

Memory has to be tilled like a plot of land. You have to fire it from time to time. Burn the weeds down to the roots. Plant a field of imaginary roses in their place. Anne Hébert, *Kamouraska*.

Muriel Kitagawa wrote of the Japanese internment by the Canadian government that “time heals the details, but time cannot heal the fundamental wrong”¹. Despite these very real open psychic wounds, neither modern society nor individuals are indifferent to the banality of evil. There are reasons why we always return to square-one to wrestle with our individual demons and to shake hands with the collective devils that never leave us. This is not because we have some genetic code that says we can name and shame evils, but because the effects of trauma leave an open wound that festers until closure.

While it is always difficult for organized citizens to confront the darkest acts in their collective past, there has been a recognition about the need to confront the banality of evil and other collective forms of injustice. I think what is frustrating, of course, is that we cannot prevent them. We can only react after the fact, as Dallaire in his compassionate and haunting memoir of the Rwanda horrors so aptly depicts².

States, like people, act according to many overlapping and sometimes conflicting considerations. Do states act according to ethical guidelines? How can we tell? And if our ethical compass is constantly evolving, how do we know if we’re making concrete progress? What grade would we give Canada, a middle power with a reputation as peace-

*Many thanks to Blake Evans for his assistance in the writing and preparation of this text.

¹ Muriel Kitagawa, quoted in Dennis Gruending (ed). *Greatest Canadian Speeches*. Markham: Fitzhenry & Whiteside Limited, 2004. p.156.

² Romeo Dallaire. *Shake Hands With the Devil: the Failure of Humanity in Rwanda*. Toronto: Random House Canada, 2003.

keeper and advocate for human security, as an ethical actor? If Canada is to set a high standard with respect to human rights and the duty to protect, do its deeds measure up to its words.

Human Rights Abuses and the Ethics of State Remembering

Even a cursory examination of its behaviour in key areas, we can see that Canadian state policy doesn't always live up to absolute ethical scrutiny. Ottawa didn't send troops to Iraq, but the Canadian government stopped well short of criticizing American unilateralism. On balance, Canada gets a B+ for its support for multilateralism. On the Maher Arar case, when Canadian intelligence services were complicit in sending a Canadian citizen back to Syria to face a year of torture and interrogation, Ottawa receives a D. The Prime Minister has been very eloquent on First Nations rights and self-government, but Canada's policy towards its First Nations remains a national disgrace. It has never accepted its full responsibility for the socio-psychological abuse of children separated from their parents during their formative years. Nor has it lived up to its treaty obligations. Ottawa receives a failing grade.³

Do Canadians believe that they have a compassionate and effective set of policies regulating immigration? Ottawa accepts roughly 300,000 immigrants every year. As a major destination for immigration, Canada could do much better. Political refugees are a strong ethical test of any country's policies and compassion. Canada offers safe haven to between 25,000 and 40,000 persons needing protection every year. Not an insignificant number. But the Bush revolution in foreign policy is going to reduce Canada's intake, and strain our responsibility to the UN Convention on Refugees. Canada has signed the

³ Ronald Wright, *Stolen Continents The 'New World' Through Indian Eyes*, Toronto: Penguin Books, 1993.

third party agreement, which restricts Ottawa's safe haven for Central American refugees.⁴ On gay and lesbian rights, Canada is ahead of the pack for its recognition of same-sex marriage. On poverty eradication, Canada, like many other countries from the global North, spends less on global development today than it did a decade ago.

Is the gap between word and deed unique to Canada? The increase in American human rights abuses at home and abroad have become an alarming trend. The torture and abuse of prisoners at Guantanamo Bay and Abu Ghraib prison, its retention of the death sentence, and its massive black population have earned condemnation from global public opinion⁵. Torture, human rights abuses, execution, and the increase in political prisoners is on the rise in many countries in the global North and South.

States that have some capacity and which accept international obligations are frequently laggards on ethical issues. Much has changed since the days of Clausewitz, yet states are still driven above all by self-interest, power, and a disregard for international law when the costs for breaking international norms are only a moral slap on the wrist. Many states are allergic to any substantial results-driven open dialogue which would deliver basic and substantive justice to past victims of systematic human rights violations.

No country readily confronts the dark and sordid history that has been part of its nation-building. For example, I am not sure what we remember about the Jews who were refused entry to Canada leading up to World War II, and who were sent to their death in Nazi concentration camps as a result⁶. The Canadian Civil Liberties Association in a 1994 survey of high school students found that 89 percent knew that the Nazis had gassed

⁴ Daniel Drache, *Borders Matter: Homeland Security and the Search for North America*, Halifax, Fernwood, 2004.

⁵ US Human Rights Network. "A Human Rights Memorandum to President Bush". *Znet*. March 02, 2005. <http://www.zmag.org/content/showarticle.cfm?SectionID=80&ItemID=7349>

⁶ Irving Abella and Harold Troper. *None Is Too Many: Canada and the Jews of Europe, 1933-1948*. Toronto: Key Porter, 2000.

millions of Jews during the second World War. Beyond that one singular fact only 59 percent knew that Jews had been subject to experiments in the death camps. When it came to Canada's role in admitting Jews escaping Nazism, only 20 percent understood that had refused entry of Jews fleeing Nazism.⁷ No society's memory is perfect but Canada's recollection of human rights abuses is uneven and, by today's standards, wanting.:

The average Canadian's memory of the Japanese-Canadians who were born here only to be forcibly removed from their homes in BC and sent to internment camps thousands of miles away is probably no better.⁸ Communities that have suffered grievous wrongs never forget but the extreme provincialism of Canadian society without a national school curriculum has only belatedly tried to come to terms with the ethics of identity and the treatment of Canadian Japanese at the hands of the majority. What lessons have Canadians learned from the Doukhobours, who in the 50s had their children stolen from their parents and put in residential schools⁹? Every society stigmatizes its non-conformist dissenting minority. With the Doukhobours it was easier to condemn and deny them their rights rather than defend them against systematic discrimination by the police and BC authorities.

It would be comforting to believe that as a society, Canadians have reached a consensus where one human rights abuse is one too many. Canadians cannot be naïve and ignore the fact that societal memory is frequently partial and selective. What we

⁷ Quoted in Michael Valpy, "Anti-Semitism", *Globe & Mail*, March 26 2005.

⁸ Adachi, Ken. *The Enemy That Never Was : A History of the Japanese Canadians*. Toronto: McClelland and Stewart Ltd., 1977. see also <http://www.yesnet.yk.ca/schools/projects/canadianhistory/camps/internment1.html>

⁹ George Woodcock and Ivan Avakumovic. *The Doukhobors*. Toronto: McClelland and Stewart; Ottawa; Institute of Canadian Studies, Carleton University, 1977.

remember is intensely political, and what we selectively screen out is neither random nor irrational.

Counterpublics, Truth, and Reconciliation

And why is this? Because societal memory is just like individual memory when confronted with past acts of guilt, wrongs and shame. No one easily owns up to their failure to act ethically, compassionately, and justly. The silos of exclusion have large and imposing walls and avoidance is a defence mechanism against deep-felt shame and social acquiescence. Most of us need to be pushed and prodded with an assortment of carrots and sticks. Then, people often surprise themselves by taking crucial step of reconciliation towards their families, friends, colleagues, and neighbours who have either wronged or been wronged by them. Global counterpublics and international law are the carrots and sticks that force states to engage in truth and reconciliation.¹⁰

Most recently, the eighties were an ethics-free zone, and few had second thoughts about the social impact of global free trade. After the battle of Seattle, Quebec and the collapse of the WTO talks in Cancun, that is no longer the case. Elites have lost control of the free trade agenda and are now on the defensive. The WTO is in constant crisis and paralysis, and the global South has become sceptical of the need for more trade liberalization.

A decade ago, few would have thought that global poverty eradication would be an alternative to the policy goals and values of neoliberalism. Even fewer would have predicted that “Another World Is Possible” would replace TINA, There Is No Alternative. The new consensus is that strong democracy, human rights, global

¹⁰ David Held, “Cosmopolitan Democracy and the Global Order: A New Agenda”, in James Bohman and Matthias Lutz-Bachmann eds., *Perpetual Peace Essays on Kant’s Cosmopolitan Ideal*, Cambridge: MIT 1997.

governance, and accountability are the starting point for a fundamental reorientation.¹¹ Behind the sea-change are global counterpublics where anyone between 15 and 55 is as likely to be a sceptic, a radical contrarian, or a battler as much as a conformist¹². The modern culture of dissent increasingly defines who we are and who we want to be as active citizens. The question is how does a society promote social, cultural and ethnic differences and guarantee minorities their rights?¹³

What is in the majority's interest always involves a class of decision-making procedures that draws lines, admits some while leaving others out. Democracy has produced and reproduced exclusion as a social fact even though political rights broadened dramatically after World War II. If the law defines in Charles Taylor's words 'community as those whose freedom it realizes and defends together', then it is not difficult to see why a networked belief in citizenship has failed many sub-groups, national minorities and others.¹⁴ They have not been able to see themselves as part of the larger sovereign people. Until recently the language rights of many ethnic groups have been ignored, repressed or crushed by intolerant majorities that demand minorities assimilate and speak English or French. Quebecers, First Nations and Basques are but a few contemporary examples where popular sovereignty has failed to be inclusive. National minorities have been kept on the outside looking in, excluded on the

¹¹ Daniel Drache, Ed. *The Market or the Public Domain: Global Governance and the Asymmetry of Power*. London: Routledge, 2001.

¹² Daniel Drache, David Clifton, and Marc Froese. *The Iconography of Dissent and Global Politics*. A Digital Report from the Counter-Publics Working Group, Robarts Centre for Canadian Studies, October 2004. <http://www.yorku.ca/robarts/projects/iconography/>

¹³ Emmanuel Todd, *After The Empire The Breakdown of the American Order*. New York: Columbia University Press, 2003.

¹⁴ Charles Taylor, Democratic Exclusion(and its Remedies?, *Citizenship, Diversity and Pluralism Canadian and Comparative Perspectives*. Alain Cairns, eds. Montreal: McGill-Queen's UP, 1999, 266.

questionable grounds of nationalism, public security, linguistic needs and social cohesion.

The critical issue of establishing the boundary between private interest and public purpose is intensely important, particularly at a time of global economic interdependence. Every society has need of common resources, places, spaces and services—diverse kinds of sanctuaries and protected social space maintained by the public interest, which fosters a vibrant practice of collective responsibility. Being a public citizen in the public domain should be seen as a complementary autonomous site of social life, a safe haven where the citizen moves from a passive to an active agent to secure and protect fundamental political and economic rights.

The need for a strong and resilient public domain alerts us to the fact that social goods of all kinds, from human security to sustainable environmental practices, can and do override entrenched private property rights in many instances. The imperative associated with these collective necessities furnished by the public domain is also compelling because its message is both direct and democratic—it is that the environment, labour standards, cultural diversity, the organization of a better life, redistributive goals—all need the collective ‘we’. As well, it speaks to the concern that the goods and services owned in common belongs to us—the people—not to them, private rent-seeking actors who put self-interest before the collective need.

The public domain is most effective and becomes a strategic site when it is shaped by active counterpublics. The preservation of forms and spaces of popular spontaneous action has its antecedents in Hannah Arendt’s notion of counter-power and spontaneous action where public discourse and debate points to a re-engagement with words and deeds and a belief in citizenship not as a theoretical idea but as lived experience.

The latest iteration is not a throwback to ‘old public goods’ of the welfare state model or the legal formalism that in theory protects individual rights but in practice fails to facilitate the norms, trust and networks of co-ordination and co-operation for mutual benefit.¹⁵ Putnam’s recent article significantly entitled *Constraining Capital, Liberating Politics* captures the growing bonds of social solidarity that have fostered popular mobilization pressuring governments to increase public outlays and impose new regulations on global capital. In every society public goods plus the public sector plus networks of social capital and responsibility plus the non-traded social values shed dramatic light on the size and depth of the public domain.¹⁶ It is more diverse, resilient and richer in resources than most believe despite almost three decades of global privatization and the anti-growth zero-inflation principles of the discredited Washington Consensus.

The Politics of Forgiveness and The Public Good

Across the world global and local publics in all their diversity are intent on holding governments accountable in ways that didn’t exist a decade ago. These coalitions of actors, networks, and transnational groups have grown in influence and importance. They represent a voice of empowerment for social justice and collective responsibility¹⁷. So far, in the cycle of dissent, counterpublics have shown no sign of flagging, but their effectiveness could decline in the future.

¹⁵ Robert D. Putnam, *Bowling alone: the collapse and revival of American community*. New York: Simon & Schuster, 2000.

¹⁶ Michel Albert, *Capitalisme Contre Capitalisme*. Paris: Seuil, 1991.

¹⁷ Sidney Tarrow. Power in Movement. New York: Cambridge University Press, 1994.

These important changes in the constitutive social environment have created the foundation for a new relationship between ethics and state responsibility. Cycles of dissent are driven by anger and disillusionment with global free trade and its asymmetrical benefits. There is a lot of reason to be an activist, a sceptic and a contrarian – global hunger, inequality, social exclusion, racism and environmental degradation to cite only a few ‘public bads’ that threaten human security and human rights on a global scale. Global public opinion is increasingly holding the elites to task. They are intent on redefining the social basis of ‘things public’ when the line between the public and private is so blurred.

We don’t have an adequate handle on the ampleur and magnitude of the global dissent movement. These normative communities of public activists have multiplied and sprung into prominence in the global North and also in the global South. Their presence and influence has been an effective brake on the One World template of Washington Consensus neoliberal policies that are organized around simple economic dictates to the detriment of social and cultural ones.

Creating a successful politics of inclusion is a high-maintenance high-risk activity. Societies, as many experts recognize, have an equal capacity to be backsliders on ethical issues as to take effect measures to build reconciliation and bring closure about past wrongs. The causal links between the politics of forgiveness and social justice are not easily forged. The public is a social totality that is multidimensional and made up of sharp cleavages, contentious divides and deep economic divisions. The growth of shared sovereignty and responsibility has meant greater diversity and less commonality. Social justice and forgiveness are such immense categories, each represents such different challenges, and all operate on such different levels. Creating institutional relationships to

heal the wounds of the past and build a human-rights based social order requires acknowledgement that global governance has become the incubator for change at the local and national level.¹⁸

Strong democracy and new citizenship practices holds out the prospect sovereignty will continue to adapt and change to new circumstances as the relationship between citizens and their state is being transformed by the crises of global governance. And if we think about it, societal memory is always in a race with itself. It forgets as much as it remembers of past wrongs and injuries, all the while having an autonomous capacity to cause contemporary harm. We are still very far from a strong and developed understanding of the structures that build tolerance and promote mutuality. Zarka and Taylor are right to stress the politics of self-recognition as the critical component for drawing on the long tradition in thought and feeling about the universal diversity of human experience.¹⁹

It is important to recognize that in a world of intense interdependence wherever there are established hierarchies there are also counterpublics undermining them. When the leaders from the global North like Blair or Bush defend unilateral regime change, global free trade and human rights abuses in Guantanamo Bay, the public is as likely as not to doubt their words and deeds.

This deep-rooted suspicion of public authority has fed a culture of transnational dissent. Everywhere, public awareness no longer automatically follows official dictates. Global counterpublics are a constant reminder to the state that it no longer holds a

¹⁸ Manuel Castells, "The 2004 Ithiel de Sola Pool Lecture: Global Governance and Global Politics." *PS: Political Science and Politics* 38:1(January): 9-16, 2004.

¹⁹ Yves Charles Zarka, avec Cynthia Fleury, *Difficile tolérance*. Paris: Puf, 2004 ; Charles Taylor, *The Politics of Recognition. Multiculturalism Examining the Politics of Recognition*. Amy Gutman, eds. Princeton: Princeton University Press., 1994.

monopoly on official remembering, global public opinion remembers what the elites would rather forget.