The Technological Imperative: Information Systems and Racial Profiling from Nazi Germany to the War on Terror

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Let me first say that I am honored to have been invited to give this presentation. It has been quite some time since I had to opportunity to give an address such as this to a similar audience on a related subject. That was in 1987 at St. Mary's University in Halifax. The topic, as I phrased it, was "Terrorism: A Footnote to Clausewitz," the Prussian General who famously defined war as politics by other means. My point was to say that terrorism was not an extension of war into more remote barbaric territory but that terrorism, like assassinations, had a long if not a distinguished history and ought to be located conceptually half-way between politics and war. My most important theme was that terrorism was not a form of collective psychopathology, or that — if it was — it was certainly no more pathological than war itself. The targeting of innocent civilians, the randomness of attacks, the cold-bloodedness of the killing was monstrous, but no more so than official, state-sponsored warfare — it merely seemed more horrific because it was typically done on a small scale — a car-bomb here, a hijacked airplane there. Up close and personal, the hideous nature of human violence was experienced more intensely than the fire-bombing of Dresden, say, or the Blitz. As Stalin put it, and he was certainly in a position to know: the death of one man is a tragedy; the death of a million is a statistic.

Twenty years ago, I was limited in my discussion mainly to the Middle East, to Palestinians and Jews. I quoted a letter that was written by King Feisal to American Zionist leader and future US Supreme Court Justice Felix Frankfurter. It is worth quoting at length:

Prince Feisal Husseini, king of Syria and Iraq to Felix Frankfurter, associate of Dr. Chaim Weizmann: Delegation Hedjazienne, Paris, March 3, 1919.

Dear Mr. Frankfurter: I want to take this opportunity of my first contact with American Zionists to tell you what I have often been able to say to Dr. Weizmann in Arabia and Europe.

We feel that the Arabs and Jews are cousins in having suffered similar oppressions at the hands of powers

stronger than themselves, and by a happy coincidence have been able to take the first step towards the attainment of their national ideals together.

We Arabs, especially the educated among us look with the deepest sympathy on the Zionist movement. Our deputation here in Paris is fully acquainted with the proposals submitted yesterday by the Zionist Organization to the Peace Conference, and we regard them as moderate and proper. We will do our best, in so far as we are concerned, to help them through: we will wish the Jews a most hearty welcome home.

With the chiefs of your movement, especially with Dr. Weizmann, we have had and continue to have the closest relations. He has been a great helper of our cause, and I hope the Arabs may soon be in a position to make the Jews some return for their kindness. We are working together for a reformed and revived Near East, and our two movements complete one another. The Jewish movement is national and not imperialist. Our movement is national and not imperialist, and there is room in Syria for us both. Indeed I think that neither can be a real success without the other.

Somehow, something went wrong, and neither the Arabs nor the Jews are wholly to blame.

Aside from that display of innocence, I may even have trotted out the old cliché that one side's freedom fighter was the other side's terrorist. I did stress that the mere use of the word "terrorist" instead of "enemy" adds to the process of dehumanization so necessary for the conduct of killing campaigns. It seemed important to notice that language, too, is a weapon. Since then, I have spent a good part of my time as a teacher of students of law enforcement or, as our college—riding the public relations coattails of 9/11—now calls it: "The School of Public Safety and Police Studies." I have mainly taught them what is euphemistically called "inter-community relations," and have sought to provide some insight into matters of racial tension— including the historical and legal issues pertaining to that subject. I have also taught Canadian government and politics—with a view to explaining the rule of law, charter rights and notions of due process as these concepts apply generally in Canada and specifically to matters of race and ethnicity. [1]

Both parts of my past — a concern with terrorism and with the education of future agents of the state who will be expected to curb, if not to eliminate, it — contribute to what I want to say today. I shall seek to make six points:

- Racial profiling is not a discrete issue but an instance of a more pervasive racism that is evident in the overzealousness of law

enforcement, the discrimination inherent in the criminal justice system and the stratagems of the so-called "war on terror";

- The issue of racism is also connected to historical, legal and political events which cannot easily be isolated and which confound efforts to make it into an issue of clear ideological distinctions between right-wing and left-wing politics;
- Much of the debate over racial profiling is compromised because it takes place within an ideological context of hegemonic liberalism which begets false and futile attempts to balance civil liberties with security;
- To overcome this bogus debate, it is necessary to gain perspective by examining our situation from a different perspective and, since Marxism is at least temporarily disreputable, we must look elsewhere;
- Above all, we must recognize the ubiquity of technology, not as a set of instruments or, worse, devices that are intended to achieve conscious human purposes, but as determinants of what those purposes are;
- At a time when Marxian social theories are in at least in temporary eclipse, there is much to be gained by paying provisional attention to the preoccupations of traditional conservatism as a means to begin the critical interrogation of the modern project and its implications for thought about technology and human rights.

The general theme of this conference is race and national consciousness and the specific topic is racial profiling. Observing and therefore implicitly profiling this audience, I am led to believe that it, too, is composed of the usual suspects: academics, activists, bureaucrats, and people of colour. Some may have a special interest in one or another ethnic group: Tamils, perhaps, or Vietnamese, or maybe Canadian Indians. Some of you may be preoccupied more generally with what is called identity politics and the theories that sustain and explain it. Some may be intellectually committed to the struggles of the variously disenfranchised and may wish to draw the issues of gender relations or sexual orientation into the discussion of race and ethnicity that normally dominates talk about profiling. Some may specialize in postcolonialism, others in imperialism or globalization. Some may just be old-fashioned civil libertarians. You are a heterogeneous group, but I imagine that you are united on at least one level — opposition to oppression — except, of course, for the badly disguised members of CSIS, the RCMP, the provincial and municipal police departments and other agents of authority who may be scattered throughout the crowd taking notes. Whatever your backgrounds and interests, I am pleased to speak to you all.

The subject of the conference — racial profiling — is traditionally understood as an issue of relevance to common, ordinary law enforcement. We are all aware of practices or accusations of practices wherein specific groups are targeted for special attention that often rises to the level of police harassment in the first instance and, eventually, to systemic discrimination in the courts and in places

of incarceration. Racial profiling in the local context can be encountered while driving, walking, visiting institutions deemed vulnerable to terrorist attack, shopping, going to or from places of worship, funerals, entertainment or diverse community events enjoyed predominantly by members of a particular minority group, or even at home when made the victim of a home invasion by the authorities. Because it is more visible, so to speak, in local communities, this kind of racial profiling has a more obvious presence and, occasionally, more articulate opponents including lawyers, academics and activists with a commitment to civil liberties. The emphasis on human rights has its limitations (Teeple, 2004), but if we were content to maintain a narrow definition of racial profiling, we could do worse than to appeal to the pronouncements of Amnesty International, which explains the phrase in the following terms (Amnesty International, 2005):

> Racial profiling occurs when race is used by law enforcement or private security officials, to any degree, as a basis for criminal suspicion in non-suspect specific investigations. Discrimination based on race, ethnicity, religion, nationality or on any other particular identity undermines the basic human rights and freedoms to which every person is entitled.

Especially since 11 September, 2001, however, racial profiling has become a matter that has spilled over into uncommon, extraordinary law enforcement. When mixed with concerns about national security, racial profiling can become especially toxic. This is not, of course, exclusively an issue of the new millennium as the iconic case of the confinement of Japanese Americans and Canadians during World War II attests. It has, however, taken on new dimensions such as the so-called "rendering". This ignominious American practice involves the capture and deportation of individuals for the purpose of torture in third countries, notably Syria and Egypt. It has been used against Canadian citizens by United States' authorities with Maher Arar being only the most prominent of recent examples. Mr. Arar, of course, was effectively kidnapped en route home from a visit to the Middle East while making a simple airplane change in New York. He was subsequently subjected to deportation and torture in a third country. Especially disconcerting is the fact that this particular Canadian appears to have been hideously mistreated with official Canadian connivance. Meanwhile, others suspected of close association with designated terrorists or terrorist organizations are being held without charge in Canadian jails and prisons on "security certificates" (see Broadbent et al., 2004). His case is now the subject of a predictably controversial public inquiry with which the Canadian government has been reluctant to cooperate and in which the US government has refused to participate at all (these events have been well document in the press, but an especially useful document for its own content and for bibliographic references is the Human Rights Watch Report to the Canadian Commission of Inquiry into the fate of Maher Arar (2005, June); see also Mayer (2005, February 7).

When such events occur, it is sometimes hard to tell who your friends are. Since the United States has a longer and more contentious history of debate over race issues, I am compelled to use American examples more than I might like. Nonetheless, they are familiar and instructive.

One name that came readily to mind when I was preparing this talk was Earl Warren. Long before he presided over the Commission to cover up the facts in the assassination of President John F. Kennedy, Earl Warren was Attorney-General of California. In 1940, he gave a speech on the evils of racial bigotry. "We must," he said, "see to it that no race prejudices develop and that there are no petty persecutions of law-abiding people" (quoted in Siggins, 2005, p. 1). Following the Japanese attack on Pearl Harbor, Warren evidently altered his opinion. By January, 1942, he was directing the preparation of detailed maps showing all the land owned by Japanese-Americans in California, ordering the state's District Attorneys to enforce the Webb-Hartley Law vigorously. More commonly known as the Alien Land Law of 1913, it limited the right of aliens ineligible for citizenship to lease land for more than three years and barred their purchase of land completely. It should be recalled, by the way, that the US Supreme Court, in Takao v. United States (1922) had earlier ruled that Japanese immigrants were ineligible for US citizenship. It took until the case of Oyama v. State of California (1948) to determine that non-citizen parents could purchase land as a gift for their children; finally, in Fujii v. State of California (1952), the Alien Land Law was declared unconstitutional.

Canada, of course, has had a parallel history of race-based legislation including laws passed in British Columbia that prohibited Asians from working in mines. The pertinent statute was the Coal Mines Regulation Act of B.C., which made it unlawful to hire "Chinamen" in mines. It was declared unconstitutional in Union Colliery vs. Bryden (1899) in part because it discriminated against people because of their national origin. Of course, before applauding and indulging in self-congratulation, it is important to notice the ruling of the British Law Lords — the highest court of appeal for Canadians at the time. In Cunningham v. Tomey Homma (1902), the section of the British Columbia Elections Act which said that no "Chinaman, Japanese, or Indian" may vote in the province of British Columbia was upheld, in part because the issue at hand involved, more broadly, racial — not national — discrimination and was therefore not unconstitutional (after all, the government of Canada had already passed the Indian Act (1876) which, as amended, remains in force today. It is also worth mentioning an especially interesting 1912 Saskatchewan law that uniquely joined racism to sexism by prohibiting the employment of white women by Asian men. In the relevant test, Rex v. Quong Wing (1914), a restaurant owner and naturalized British subject was convicted of hiring two white waitresses and the ruling was upheld on appeal by the Canadian Supreme Court (cf. McLachlin, 2002, p. 11) just as Canadians were taking off to Europe to protect democracy and defeat the "Hun."

I have digressed. Returning to Earl Warren and the question of knowing who your friends are, by March, 1940, he was publicly advocating the relocation of people of Japanese ancestry to places no closer than two hundred miles from the Pacific coast. In due course, the removal of those American citizens was complete.

It was Warren, as well, who as Chief Justice of the US Supreme Court in 1968, wrote the majority decision in the seminal case of **Terry v. Ohio** which held that it is no violation of the 4th Amendment to the **Constitution of the United States** for police officers to search for weapons, if they have a "reasonable belief" based on "objective grounds" that they are confronting a person who is armed and dangerous. This decision was reinforced in 1996 in **Whren v. the United States**, which insisted that officers' beliefs in such cases, including suspicion of possession of drugs, must be formed in a manner in which subjective perceptions and expectations play no part. In short, no racial profiling! Though the letter of the 4th Amendment may have been compromised, some relief can be felt because of the insistence on objectivity, which cannot be assumed but is at least arguable in court. The bad news is that, in some instances most closely associated with racial profiling, 4th amendment rights no longer automatically apply; the good news is that their violation must be based on reasonable and "objective" grounds.

Similar jurisprudence is unfolding in Canada, but it must be said, and said quickly, that the principal issue in this country today is to get the authorities to acknowledge their own practices. Within the past year or two, the **Toronto Star** newspaper carried out a major research project using academic social scientists equipped with the tools of their trade. The study concluded the municipal police service (which has disconnected from the word "force") engaged in racial profiling. The response of the police was not merely denial but attack in the form of a legal suit. The Ontario Superior Court dismissed the $2.7 billion suit as having no chance of prevailing at trial (cf. Tyler, 2003, June 25). Since then, despite reluctant efforts to increase sensitivity on the part of police officers, the situation in terms of acknowledgement of a systemic problem has not greatly improved (see: **Toronto Star**, 2005, 31 March, and Pieters, 2005, 20 March).

Returning to the United States, another honored liberal jurist was Oliver Wendell Holmes, who presents a somewhat different and more worrisome example. One of the vilest manifestations of racism is to be found in its theoretical justification in the pseudo-science of eugenics. This was racial profiling at the most extreme, for it led to the events of the Holocaust and was expressed elsewhere in lesser but still substantial violations of human decency. Not only Jews but gypsies, communists, socialists, mentally ill and physically impaired people were put to death in Nazi Germany. Elsewhere the pattern had already been established. In the United Kingdom, progressives including Fabian socialists such as George Bernard Shaw and Sidney and Beatrice Webb applauded eugenic research that allowed, they thought, for heritable weaknesses to be eliminated from the human

gene pool by means of forced sterilization. Holmes, otherwise an esteemed civil libertarian, also succumbed to the false science and, in **Buck v. Bell** (1927), notoriously upheld a Virginia ruling permitting the sterilization of a woman on "cursory and contradictory" grounds that had more to do with the alleged immorality of conceiving a child out of wedlock than any matter of mental deficiency (Gould, 1985). For Holmes, in thrall to eugenics, specious evidence was sufficient; it was deemed enlightened social policy, "instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, [to] prevent those who are manifestly unfit from continuing their kind."

Again, to avoid the danger of becoming ever so slightly self-indulgent, it is worth mentioning that, following 9/11, a Gallup Poll indicated that 71% of American Blacks (compared with 57% of American Whites) approved of racial profiling … for people of Middle Eastern background. (Cf. **National Review**, 2001, Nov. 5).

Similar events have occurred in Canada, with forced sterilization only being abandoned in some jurisdictions within the past quarter-century. Meanwhile, every day, less obvious official agencies from social service providers to educators are well known to treat different peoples differently according to biased social expectations and prejudicial judgments. Canada's residential schools for Native Peoples are obvious cases in point. Armed law enforcement officers on the one hand and social workers and teachers on the other represent the hard and soft side of the common coinage of social control. In both cases, what is plain is the pervasiveness of discriminatory behavior rooted in racism.

Racism, however, does not arise **ex nihilo**. It is not **sui generis**. Like other ideological forms, it has antecedents. It is caused in specific contexts. Apart from the obvious strategy of denial, the preferred way of dealing the sources or origins of racism in contemporary North American society is to claim that it is an atavism, a holdover from an earlier time, an irrational expression of xenophobia. Back in 1969, Pierre Trudeau prompted his Minister of Indian Affairs, Jean Chrétien, to write a splendidly entitled "White Paper" recommending the abolition of aboriginal rights, and particularly personal and usufructuary rights which were the basis of annoying native land claims. He urged the eradication of all forms of parochialism including Canadian nationalism, Québec nationalism and First Nations nationalism (Canada, 1969). Nationalism, he believed, was merely a virulent form of tribalism and unfit for modern cosmopolitan societies.

In Trudeau's view, eliminating cultural identities and especially collective legal claims for autonomous status (whether by Indians or Québeçois) was consistent with the politics of the Enlightenment. The grand narrative of modernity from the eighteenth century to our own has maintained that humanity is moving inexorably and progressively from ignorance to understanding, from superstition to science, from misery to prosperity and from collectivist authoritarianism to

individualist democracy. Race was not to be used as an instrument of oppression, but neither was it to be used as a rationale for restitution.

The progressive narrative is not totally naïve. It has admitted a tension between despotic and libertarian tendencies; but, despite occasional set-backs, it has seen the evolution of human rights go hand-in-hand with secularism and free market economies. This litany — except for the bit about secularism — could have won the approval of progressive thinkers from Thomas Jefferson to John Stuart Mill to George W. Bush.

The narrative has been criticized, of course, sometimes with the language and analysis of one or another version of Marxian theory, by those who believe that the promises of a just and enlightened society have not and, more importantly, cannot be fulfilled within a capitalist political economy. They have insisted that the only genuine freedom that has been achieved is the freedom of capital, of investment and of the capacity of ownership to produce profit for an international corporate structure now almost wholly out of control.

However much this approach may contain elements of truth, the collapse of the Soviet Union and the rejection of the practice of communism by an increasingly Orwellian China has rendered all serious talk of Marx and his ideas at least temporarily irrelevant in polite society. As official ideology, Soviet and Chinese communism were never anything but a cruel hoax, which had the final effect of discrediting Marx and excluding explicit Marxian thinking for at least the immediate future.

In the meantime, we are witnessing the temporary triumphalism of neoliberalism in political ideology and economic practice. In Ontario, for example, the policies of Bob Rae and of Mike Harris were differentiated only by subtleties and nuances in their rhetorical justifications but not by their practical effects. Rae's infamous "social contract" was the proximate basis for Harris' iniquitous "common sense revolution".

Meanwhile, throughout the Anglo-American democracies, ownership and control of the means of production have been challenged (albeit ineffectively) by the working class, women and minorities (especially aboriginal minorities, whose land was appropriated in a manner that might, if the perpetrators and victims had been individuals of a common cultural background, have been called armed robbery).

The oppression, suppression, repression and depression of the poor, women and racio-ethnic minorities have, in our society, a single fundamental source (though infinitely complicated by ideas of class, sex and race) and that is the inherent nature of the capitalist (whether mercantile, industrial or information-based) economy. Since, however, no one is likely to take such elementary matters seriously for the time

being, we must look elsewhere in the hope of scaring up an argument. We need not look far.

The history of the Anglo-American democracies is easily written as a morality tale of slow and unsteady progress toward an egalitarian ideal of equal opportunity, democracy and the rule of law. The halting steps we have taken in the direction of those ideals are not to be dismissed. The rule of law, however qualified in practice, is an unqualified human good. And, after all, even the **Communist Manifesto** limited itself primarily to demands for bourgeois reforms such a free press, popular elections, the legalization of trade unions, and some attention to publicly funded education. We have more or less achieved all of those and the consequent indicators 19th and 20th century reform have not been entirely bogus. The mere fact that I can use public space in a government-funded institution to criticize the current political economy is a token of the success of free speech and democracy (unless, of course, it is merely a demonstration of the triumph of tokenism, of what Herbert Marcuse once called "repressive tolerance").

Even at its best, though, the pattern of progress is ambiguous. Public education provided children with useful skills, but much education remained (and remains today) little more than veneer covering a more fundamental process of socialization, which some would call indoctrination. The pattern has been far from linear. The 20th century provided evidence of human cruelty on a massive, unprecedented scale. The horrors of Stalinism and Nazism were merely the most obvious examples of a century unique for its slaughter of innocents and of the guilty as well, for its creation of obscene wealth matched by even more obscene poverty, and for a level of environmental degradation to balance the creation of technological miracles in communication, transportation, medicine and the like.

These facts are familiar and, I trust, uncontested. They also provide the background for my argument concerning racism and racial profiling. As I intimated at the outset, it is my central contention that race is an important component of a more general pattern of domination. An understanding of racial prejudice, bigotry and discrimination — intolerance in thought, word and deed — is required for a full comprehension of political and economic hegemony, but it is not the whole story; it is merely a symptom of the kind of conflict between left and right, radical and reactionary, progressive and conservative interests and ideologies in which current cultural debates are structured.

How are they structured?

Even in putative democracies, the tension between human rights and social order can easily be traced at least as far back as the US **Alien and Sedition Acts** of 1797-98, the withdrawal of **habeas corpus** by Abraham Lincoln during the American Civil War and the

Espionage Act of 1917 (which put Eugene V. Debs in jail for ten years, despite the fact that the law itself was rescinded in 1921). The importance of the first example is stated boldly in its title. The foreign born (especially if they came from countries other than the United Kingdom) were immediately suspected of being seditious. And, again, even the politically progressive are not beyond reproach. In 1915, J. S. Woodsworth, as close to a secular saint as Canadian socialism can claim, wrote a book warning Canadians about the threats of permitting immigration from alien cultures. **Strangers within Our Gates** implied that barring people from other cultures would not only maintain Canadian traditions but would save the potential immigrants from the burdens of adaptation and assimilation which, of course, would probably not work anyway (Woodsworth, 1972 [1915]).

Finally, we can look at the imposition of the **Canadian War Measures Act** during peace time — notably in 1946 and 1970 — and at the contemporary **Patriot Act** and **Anti-Terrorism Act** in the US and Canada respectively to see how the debate is formed today. It is close to a classic bait-and-switch. Traditionally the bait-and-switch is a species of commercial fraud in which a vendor offers something desirable for sale at a low price. Upon arriving to make the purchase, the customer is informed that the desired item is not available, but that a suitable substitute can be had. Sometimes, the substitute is of a much inferior quality (but sold at the same price); sometimes the substitute is of comparable quality (but sold at an inflated price); occasionally an inferior product is sold at a higher price. Seduced by the promise of a good deal, the consumer is lured in and then double-crossed.

My argument is that the debate about racial profiling, when presented as a struggle to reconcile competing definitions of social justice, turns out to be the presentation of a false dichotomy between the concerns of security and those of civil liberty. That dichotomy is bogus and being persuaded to enter into that particular sham debate amounts to a seduction of well-meaning people by political elites interested in selling damaged political goods.

This is not to deny that outrage at every instance of racial profiling in Canada and the United States from the targeting of aboriginal youth on the Prairies to the extra attention paid to swarthy passengers at airports, to the special treatment afforded slightly inebriated Black men such as Rodney King or the 64-year-old gentleman recently beaten by New Orleans police officers after he had allowed himself to be taken into custody are inherently evil and worthy of denunciation. It is, however, to say that even if Mike Harris were to be convicted of some civil misdeed or criminal offence in the killing of Dudley George, we would still have problems.

That is because the argument is framed as a problem of cost-benefit analysis, a dilemma to be resolved by appeal to utilitarian strategies designed to maximize public pleasure and minimize public pain, a matter of rational calculation of competing values. Take note:

the Nobel Prize in economics has just awarded to Schelling and Aumann, the developers of "game theory". The politics of human rights needs to be rescued from the metaphorical arena of mere sport, lest it degenerate into the practice of "fucking the PUCs" (PUC being an acronym for "Person Under Control," an "Iraqi detainee"); this is an entertainment described by a Sergeant in the US 82nd Airborne Division as "sort of like a game," in which the object was to see "how far you could make this guy go before he passes out or just collapses on you" (Human Rights Watch, 2005, 3 November, p. 70).

Whether attending to prisoner abuse at home or abroad, the recurring ambiguity of the distinction between friend and foe should be noted. In mid-September, 2001, right-wing Republican and US Senate Majority Leader Trent Lott declared that "when you are at war, civil liberties are treated differently"; simultaneously, left-wing Democrat and House Minority Leader Richard Gephardt stated: "We are going to have to change the balance between freedom and security" (quoted in Bolick, 2001, September 18). In this **Alice in Wonderland** context, it is important to remember that Tweedle-dum and Tweedle-dee agreed to have a battle. Perhaps the late US Supreme Court Chief Justice William Rehnquist's oft-quoted opinion says all that need be said: "though the laws (meaning in this case the US "Bill of Rights") are not silent in times of war they speak in a quieter voice" (quoted in Dworkin, 2005, October 20, pp. 16-17). He spoke with the authority of tradition. In 1606, English common law had already "excluded the use of torture; but, the Lord Chancellor explained [that] exorbitant offenses were not subject to the ordinary course of law, which the extraordinary powers of the crown could always supersede" (Handlin and Handlin, 1986, p. 4).

I have so far faintly hinted that I believe that more would be gained by the application of even a temporarily discredited Marxian analysis than by participating in the current spat between authoritarianism and libertarianism within the modern capitalist ethos. That is so. I must now provide the reason for this view. It is that both sides of the phony debate about the balance between civil rights and security share the same fundamental and erroneous principles.

The reason that I call the debate phony is that it is based on a view of humanity that I consider to be false. That view incorporates an understanding of human rights that is anthropologically baseless, philosophically dangerous and practically useless. It is the liberal doctrine of human rights that takes certain liberties, rights or privileges — call them what you will — and defines them as essential to the definition of our species. The laundry list of rights can be short — life, liberty and the pursuit of happiness — or somewhat longer and elaborated to include what the **Canadian Charter of Rights and Freedoms** (1982) variously calls democratic, mobility, legal, equality, language and education rights as well as undefined but historically grounded aboriginal and unspecified "other" rights. Sometimes these rights are said to be given by a deity, but that I think is merely a concession to what are currently called "faith communities". The real

basis for them is a doctrine of "natural" law that comes from the individualist assumptions of Hobbes, Locke, Rousseau and others.

These assumptions posit that every human being shares in the legacy of irreducible isolation to be found in that great act of imagination, the thought experiment called the "state of nature." Whether considered to be a place of danger populated by nasty and brutish human beings, as Hobbes thought, a place of innocence populated by tender and compassionate human beings as Rousseau thought, or a place of a "just right" mixture of evil and innocence as Locke thought, the common premise is that absolute freedom is the condition of humanity's primordial existence, that this freedom is compromised by government, that government is a contractual arrangement in which human beings willingly surrender all or part of their natural freedom in exchange for security of person and property, but that, no matter how consensual their government may be, antique liberties remain at the core. "We hold these truths to be self-evident," intoned Thomas Jefferson, that all men have "certain inalienable rights" — that is to say rights that define what it is to be human, rights that cannot be legitimately appropriated or suppressed by others, rights that are so fundamental to the notion of what it is to be human that we cannot legitimately part with them even if we wanted to do so. As I will shortly explain, I do not think this is how rights should be defined, nor adequately accounts for how they came into existence, nor explains properly how they should be debated.

Before doing so, however, I want to mention one other liberal assumption that needs to be considered. For those old enough to remember the mid-1950s television show, "GE Theatre," that was broadcast on Sunday nights by CBS, the essence of the liberal view of human history was ably articulated by its host and principal huckster, future US president Ronald Reagan. Each week he would conclude the broadcast by reminding the audience that, "at General Electric, progress is our most important product." In this view, pragmatism in politics, prosperity in economics and innovation in technology were the essential tripod upon which was placed the triumph of modernity. Whether in corporate board rooms or on the shop floor, the apparent material, cultural and political advances sponsored by modernity were portrayed as equally attractive to capital and labor, white and black and, eventually, men and women or, as Trent Lott recently put it: "men and women and minorities." The disadvantaged may have wanted a larger share of the pie, and the privileged may have wanted to keep and even to increase their portion, but everyone agreed that the pie was desirable and no one wanted to fight so hard that the pastry would be ruined: hence, our dilemma.

In my view, rights to freedom from discrimination and harassment as well as rights to security of person and property are neither natural nor god-given. They are conventional only and would have been literally unthinkable in our "uncivilized" past. Traditional societies, the folk societies from which all contemporary human

communities originally sprung, did not contemplate much less support, liberal individualism. The concept of private property — especially in the form of ownership of the means of production — was at least what Prince Kropotkin called "theft" and might very well have been understood as a form of mental illness — more likely identified as demon possession. No, liberal rights that draw an imaginary line around our bodies and minds in order to keep out intrusions from others into our personal business are a cultural adaptation that follows and does not precede the constitution of civil society. Marxists know this. Anthropologists know this. Some others know this.

At this point, I must pause and confess that I wish that I was not speaking here this morning. It is not merely that I am concerned that nothing I have said or will now say will be of value or of even passing interest to you. I am not simply experiencing and expressing the stress that is surely felt by people who are taking up other people's time and are fearful that their remarks will be rejected, mocked or dismissed. Instead, I truly wish that someone else was addressing you. I do not, of course, mean absolutely anyone else. Instead, I have in mind a small but select inventory of people to whom I would prefer to listen, rather than to speak in their absence.

The reason is that I consider the on-going liberal individualist wrangle about how much "security needs" demand a reduction of "civil liberties" and about whether it is tolerable to have racial profiling at airports or in affluent neighborhoods are essentially derivative arguments and arguments that are built upon false premises. They are important arguments in terms of immediate and practical effects and I, for one, do not wish to give up what Isaiah Berlin and others have categorized as precious "negative" liberties such as free speech or "positive" freedoms such as medicare. In fact, I would enjoy seeing them expanded. My problem is not with the content of liberal rights and freedoms but with their ontological status, with what they really are, and with the kind of political disputes that arise among them. Such disputes — and we see them in our society today — normally pit left-wing liberals and social democrats against centrist and right-wing liberals, for liberalism is our dominant ideology. Whether in the mild-mannered social reformism of the New Democratic Party or among the Republican Party clones in the current Conservative Party of Canada (the political wing of the Fraser Institute), there is common agreement about the allegedly unalterable reality of our political economy. As social democrat apostate Bob Rae never tires of telling us: "the issue in the modern world is not between capitalism and socialism. It is about what kind of capitalism we want to have" (Rae, 1999, p. 30). Bored by obsolete "nostrums" from what he contemptuously dismisses as the "old" left, he promotes social policy disputes that set Hillary Clinton and Joe Lieberman against Condoleeza Rice and Dick Cheney. They force confrontations between Belinda Stronach and … herself. Fundamental differences are difficult to discern. Thoughtful discourse is absent. Debates amount to what are considered to be disagreements about the positioning of deck chairs on the sinking luxury liner of your choice.

So, in my place, I would like to have had a representative of a genuinely alternative point of view, one expressed by an endangered if not entirely extinct species of thinkers who once made it their business to reflect upon the relationship between technology and society or, in a few cases, upon technology and political philosophy. Technology, we must remember is the logos of technē, the logic of technique. It surpasses the particular in the search of the pattern; it encourages methods to trump morality. To help us to interrogate it, I have in mind that rarest of North Americans, the intelligent conservative.

Conservatism today is a term which both Canadians and Americans are apt to misapply to the security-conscious participants in the phony debate. We are encouraged to misuse the term as a descriptor of an eerie band of Christian fundamentalists, cultural philistines and unbridled neoliberal free marketers who are doing their best to cobble together a fictive version of the American Republicanism in this country and to dominate the real Republicans in the USA by thinking of Harriet Miers as a dangerous feminist. In so doing, they have put to rest, perhaps permanently, genuine conservative traditions and beliefs. Their opinions are strongly held, but weakly stated. They have not thought deeply about what they espouse. They would not be embraced by intelligent conservatives.

I wish George Grant was alive to share his wisdom on the topic at hand. I would like Marshall McLuhan to be here to probe the subject. I would enjoy channeling the opinions of Dalton Camp. Unfortunately, the few remaining intelligent conservatives — wherever they may be found — are not likely to be drawn to events such as this. They seldom speak openly about technology and its importance for our society. They have yielded the microphone to Rush Limbaugh and the keyboard to Clare Hoy. Unless perhaps it is over a second sherry at the Faculty Club, they no longer talk much at all.

Of course, I might be mistaken. Even as I speak, there is another conference going on just up the road. At the Marriott Hotel in Yorkville, the Harry Crowe Foundation – an honorable institution – is conducting a three-day inquiry into "Academic Freedom Post-9/11". Concerns about sweeping anti-terrorism laws, strengthened executive powers of governments and the undermining of long-standing civil liberties are being addressed. Who knows? There might be a genuine conservative voice there. Nancy Olivieri is there. Ursula Franklin is there. Former Manitoba Premier Howard Pawley is there. A goodly number of distinguished Canadian and American academics are there. I might have been there myself, but the admission fee is $250, and there is no free lunch. So, here we are. We will do what we can.

One thing to do is to realize that, from any sort of Marxist and from any sort of intelligent conservative perspective, it is technology — the means of production as facilitated by innovations in communications and transportation — that constitutes the major problematic of our age. It has happened before. The agricultural

revolution, beginning at a similar time in China, India, the Middle East and only slightly later in Mexico and Peru, transformed nomadic hunting and gathering societies into sedentary — eventually slave-owning and ultimately wage-slave — societies. The invention of writing and later of the printing press altered human culture fundamentally. So did the industrial revolution — the unique melding of the steam engine and the factory system. So did electricity, and so has the computer. Authoritarian and progressive liberals and neoliberals all acknowledge this as fact, but they have not thought it through. Only a handful of wistful anarchists, some noble retro-Marxians (York University's David Noble comes prominently to mind), a handful of polysyllabic postmodernists and a small number of now quiet conservatives have made any effort to comprehend what the current technological transformation of the material base of our society truly portends.

Seeking instruction about what intelligent conservatives might say, I have been able to come up only a few statements. One is a **cri de coeur** published last April in the **New York Times** by William Safire, essayist, former speech-writer for Vice-President Spiro T. Agnew, and author of the timeless phrase, "the nattering nabobs of negativism," to describe Richard Nixon's detractors shortly before Mr. Agnew preceded Mr. Nixon by resigning high office in disgrace. Safire's springtime lament was for the death of privacy. It was moderately conservative and it was intelligent. At least it stood at a distance from most other ostensibly conservative writings which are now mainly apologies for (or celebrations of) high technology, global capitalism and the so-called clash of cultures which provides the prevailing moral rationale for foreign military adventurism and the erosion of civil liberties in what the current US administration is pleased to call the "homeland." Safire, of course, has nothing bad to say about global capitalism and nothing good to say about those individuals and elusive entities that are conveniently labeled "terrorist"; he does, however, become restive on the matter of civil rights which he does not define as "natural" but nonetheless seeks to conserve. For all his enthusiasm about the American Republican party, he worries some about invasive "big government"—even when it is acting in his putative upper middle class interests. "Almost overnight," he said, "the law's suspect list married the corporations' prospect list" (Safire, 2005, 10 April, p. 10). Among the data gathering companies that he names are Acxiom, Seisint, LexisNexis and ChoicePoint, the last of which he describes as the most "dominant" firm in the field. It is not coincidental that these are not common household brand names.

On one level, Safire's complaint should remind us of Italian dictator Benito Mussolini who, shortly before his death, expressed regret that he had named his movement, his party and his government "fascist". Considering what he took to be Italy's then unique relationship between the economic power of private enterprise and the political authority of the state (for the most part underwritten by the moral authority of the Church), he indicated that he would have

preferred to call his regime "corporatist." Safire's conservatism stops short of embracing corporatism thus defined; in fact, he rejects it. More important, his message stressed the conservative belief that there is no such thing as value-free technology. Every technology incorporates new perceptions and new mediations. Every technology alters relationships among people and between humanity and the rest of nature. Every technology embodies ways of knowing, ways of seeing, ways of naming and ways of doing. Every technology extends human senses and human imagination, and every technology defines what human beings are when they have come to use that technology in their daily affairs.

This is what is denied by the likes of Charlton Heston, who made quite a name for himself by playing Moses in the movies. Like Ronald Reagan, his acting career led to a promotion. He became head of the National Rifle Association. He was one of those who made famous the falsehood: "Guns don't kill people; people kill people." This was a splendid expression of the concept of value-free technology that lies at the heart of the modern liberal project. In its canonical version, it says that technological devices are neither good nor bad in themselves, but can only be judged according to the motives of the people who use them and the social purposes to which they are put.

Intelligent conservatives understand that this is nonsense. It is true that a weapon can be used by starving hunters to slay animals that will provide abundant food for their families. From the human perspective at least, this is a good use. In the alternative, weapons can be used by criminals to visit murder and mayhem upon peaceful people. This is commonly called a bad use. What this crude analysis misses, however, is the deeper truth that weapons from the spear to the musket to the ballistic missile have a common relationship to their human inventors. They make everyone and everything into a target.

So, to reiterate, when progressives from putative communists to free market corporatists gather to debate the central issues of the day, they start with remarkably similar premises and inevitably reach similar conclusions. They may squabble over how much equity is needed to satisfy someone's standard of justice, or how much support must be given to the disadvantaged to ensure the illusion of equality of opportunity and thus to keep the lid on social conflict. They may bicker amusingly about how best to achieve "sustainable development", but they will never admit that, at the end of the day — or perhaps more accurately – at the end of days, after all the consultations with all the stakeholders, it is development that will be sustained. They will not, in short, grasp the essence of the socio-economic problems they seek to solve. They will restrict themselves to the quantitative assessment of empirical variables, to risk/benefit analysis, and they will miss the qualitative assessment of deeper ontological issues. The failure of hegemonic liberalism to grasp the essence of both human rights and social order is precisely what would give intelligent conservatives their opportunity to illuminate the discussion and give us all a lesson in how to think about the matters

at hand. The absolute neglect of the question concerning technology makes that illumination crucial to our polity and, ultimately, to our planet.

The contribution of intelligent conservatives might consist of pointing out the unnatural nature of the "technological imperative" and the "autonomy of technique". The mantra of modernity is that if it can be done, it will be done and therefore it should be done. This is worse than illogical. This is ethical nihilism. Left to extant powers, the debate boils down to deciding how much liberty must be sacrificed in order to obtain what quantity of security. We are asked how much it is worth to put the "other" under extra scrutiny in train stations, near public utilities or — god help us — in institutions of allegedly higher learning. We are asked if it is not acceptable to pay a little more attention to the details about anyone just two shades darker than us if it stops just one anthrax attack or a single suicide bomber.

The reason for the banality of such a debate lies not only, or even mostly, with the limitations of the individual debaters. Public apologists for the **US Patriot Act** and the **Canadian Anti-Terrorism Act** display neither subtle minds nor compelling erudition in making their cases. John Ashcroft was and Anne McLellan is no great elucidator of subtle argument. And never mind that the partisan critics of these measures in Congress or Parliament have been unsuccessful in making a persuasive case for their cause, in large measure because they seem horribly uncertain about what their cause is; but, the real reason why the Anglo-American polities have failed to come to grips with the issue of racial profiling is that they do not understand what is ultimately at stake. They choose to accept, to some degree, the idea that civil liberties are good, that public safety is good, and that all that need be decided is the precise pragmatic, the ethical algorithm with which to balance these evident and evidently competing goods. They strive to put in place the principles that represent the very best of 18th-century thinking, the focal point of argument between Tom Paine and Edmund Burke who was, let us not forget, a Rockingham Whig and not the "father of traditional conservatism" that his dyspeptic remarks about the French revolution lead some to believe. The context of liberal individualism was and remains the post-feudal atmosphere of small farmers, artisans and shop-keepers, not the on-line world of instant capital exchange, the World Trade Organization and CNN.

They just do not get it.

What they do not get, and what I would like to think that the conservative tradition could help them discover, is that the political rhetoric and policy calculations now being offered as reasoned programmatic deliberations are, in fact, hopelessly obsolete and (as the current tragicomedy of the now ten-year-plan to get e-coli-infected native people off a flood plain and into new housing at a rate of fifty homes per year embarrassingly demonstrates) cannot even be counted on to do what traditional people might have done in a matter

of days or certainly weeks — namely, build safe shelters in which people might live (see Howlett and Curry, 2005, 26 October).

The modern project is exhausted. Based on the writings of critics from Jacques Ellul (1964) to Jean-François Lyotard (1984), it is possible to conclude that the modern era, conceived in the Enlightenment, dedicated to reason, science and technology, committed to democracy and civil rights but, above all, devoted to the capitalist marketplace has run its creative course. Liberalism, driven by technological innovation and economic progress, was intended to emancipate humanity from poverty, disease, tyranny and ignorance. Its material development continues, but it is becoming increasingly obvious that modernity is not living up and cannot live up to its promises. From pandemics to political tyranny, it has failed to produce the benefits of health and freedom. Yes, new medical technologies and pharmaceuticals have reduced pain in the developed world, but the relative pittance that would drastically reduce deaths in the poor nations by the simple act of providing clean drinking water is not being spent. Likewise material prosperity — despite the continuing attack on the "middle class" — continues to take place but at the cost of growing inequality. So, the infamous Walton family – no relation to the warm-hearted hill folk of the ancient television series — "now has 771,287 times more than the median U.S. household," and "the average CEO now takes home a paycheck 431 times that of their average worker" (Collins and Yeskel, 2005, 24 October). Those Waltons certainly know how to get rich from poverty. Welcome to Wal-mart, the template of bargain-hunting consumer homogeneity, censorship and Red State religiosity.

We have landed in the cage that Max Weber anticipated a century ago when, in 1904, he had already pretty much summed up the 20th century (Weber, 1958 [1904], p. 182):

> The care for external goods should only lie on the shoulders of "the saint like a light cloak." But fate has decreed that the cloak should become an iron cage … No one knows who will live in this cage in the future, or whether at the end of this tremendous development, entirely new prophets will arise, or there will be a great rebirth of old ideas and ideals, or, if neither, mechanized petrification, embellished with a sort of convulsive self-importance. For at the last stage of this cultural development, it might well be truly said: "Specialists without spirit, sensualists without heart; this nullity imagines that it has attained a level of civilization never before achieved.

Welcome to the new millennium. The contemporary iron cage is, of course, made of silicon, but it is no less constraining for that; and, beneath his hyperbole and histrionics, Ronald Reagan has been proven right all along. Progress has been our most important product. The price we have paid, however, has been the commodification of

time and history. Jet planes and e-mail have not only obliterated the natural dimensions of our lives but have deprived us of the language with which to express this deprival.

As George Grant was inclined to say, when we substituted the calculus of values for the language of justice, we robbed ourselves not just of the ability to discuss important questions, but even the capacity to decide what is and what is not important in our polity. One effect of this acceptance of uncritical relativism is that it gives "intelligent design" a claim on science curricula, astrology equivalence to astronomy and Hannibal Lecter equal time with Julia Child. Another is the demotion of each one of us from the honorable status of citizen to the eviscerated category of tax-payer. As a citizen, it is required of me to pay taxes, but my relationship to the state is not defined by my T-4 slip. As an educator, I like to think that my classes are filled with students, not clients or, worse, customers and, as a Canadian, I wish to be considered a participant in an admittedly flawed democracy, but certainly not a mere consumer of government services.

Reclaiming the public space, which includes reclaiming public language, is an important task at hand. It can be helped along by some reflections upon (and the interrogation of) technology. The alternative is some form of techno-fascism or, if Mussolini's mistake is to be corrected, technologically enhanced corporatism.

Just as the written word damaged the oral history of myths and sagas, the telephone reduced the art of conversation, e-mail undermined the writing of letters, the machinery of surveillance, data collection, information storage and file retrieval constructs an entirely new set of relationships among people, nations, states and "others."

The process of which I speak probably started with cuneiform writing and the abacus. Today it is proceeding at what Captain James T. Kirk would call "warp speed"; moreover, no matter how powerful, it is, in at least one significant sense, valueless. Had we been attentive in the middle of the last century, we would have understood that we had enough knowledge to anticipate where the process was headed. In a volume of high-minded journalism, **IBM and the Holocaust**, Edwin Black (2001) offers a meticulously researched account of what he calls IBM's "strategic alliance" with Adolph Hitler, an alliance that began just weeks after the Führer won power in 1933.

Current considerations of this relationship have the potential to re-open an important discussion that conservative philosopher George Grant raised for a time in Canada. Grant used some of the insights of Martin Heidegger (guilty himself of Nazi affiliation) to expose the liberal fallacy that technology is morally neutral. The "essence of technology is," Heidegger said, "by no means anything technological" (Heidegger, 1977, p 4). He succeeded in explaining that all technologies carry and pass on inherent values. Computers transform and fragment organic reality. They reduce subtleties to binary units. Quantification undermines quality. Databases destroy

individuality. Information archives deny chronology and context. Narratives are negated and history becomes whimsically recombinant tales drawn from randomized data. What deconstructionists theorize, technology absolutizes.

Amusing as postmodern intellectualism can be as a critique of authorial authority and the conceit of Whig historicism, it gives too little attention to the fact that ideological order can be arbitrarily imposed. Historical and contemporary analysis can be artificially reconfigured according to the choices of social leaders. This is nothing new; it is a commonplace to say that the history of battles is always written by the winners. It is also nothing new to say that information technology structures how those "editorial" choices will be made. What modern and postmodern technologies do, however, is to intensify the "editorial" process and make available to official historians the opportunity to ignore some things, emphasize some things and invent some things without much concern that critics will succeed in undermining official histories and, even if trenchant critiques are made, a by-product of contemporary data management is a depletion of interest in history by generations raised on an information diet of videogames. As a remark probably falsely attributed to G. K. Chesterton, another conservative thinker of merit, has it: the problem with abandoning god is not that people will believe nothing but that they will believe anything (cf. Kamm, 2005, 31 March). This point is mainly implicit in Black's story, but it is enough in evidence for readers to consider the deeper issues at stake. Black's history reveals much about "the spoils of genocide."

Before the war, with extraordinary efficiency and perseverance, the German police, with the aid of IBM-trained technicians and IBM-supplied Hollerith machines (counter-sorters) using IBM punch cards, were able to develop a system that allowed them to monitor the movements of almost all German citizens. When the war came, Black explains, IBM subsidiaries throughout occupied Europe continued to operate dependably and profitably. True, for administrative reasons, a custodian of "enemy property was put in place to provide government oversight." The pertinent effects on the company's operations were few, for the custodian kept the majority of technically competent and politically loyal managers in place. As the war wore on and Allied bombing raids began to reduce Germany's manufacturing and commercial sectors to rubble, assistance came from the other side. Understanding how valuable the IBM was and how important it would be to a future occupying force, IBM's technical experts, its machines, its records, its profits and its physical plant — in short, its corporate assets — were thus protected from Allied sorties and thereby preserved. As a result, Black reports that, when the war ended, IBM's German subsidiary was not seriously harmed and was virtually able to conduct "business as usual."

None of this means that IBM favored an Axis victory. Black reminds us that less than two months after the Japanese attack on Pearl Harbor, IBM's subsidiary, the Munitions Manufacturing

Corporation, was churning out 20 mm anti-aircraft cannon for the US forces. Within two years almost 70% of IBM's manufacturing capacity was devoted to weapons. Record keeping, of course, remained the "core competency." Hollerith machines organized the US draft, tracked service personnel so extensively that the physical location of every US soldier and sailor could be determined almost instantaneously from General Eisenhower down to an anonymous GI in basic training or at the front.

Meantime, to expedite the round-up of Jews and their allocation to categories at Auschwitz, Dachau, Bergen-Belsen and elsewhere, appropriate holes were being punched in other IBM cards. In columns three and four were located codes for homosexuals, "anti-social" attitudes and behavior, Gypsies and Jews. Column thirty-four dealt with reasons for leaving a particular concentration camp: hole two meant transfer to another forced labor camp; hole three indicated death by natural causes (malnutrition?); hole four meant execution; hole five specified suicide; and hole six designated "special handling" (i.e., extermination).

Now that is **racial** profiling.

Other business opportunities emerged in the areas of military intelligence and encryption where IBM maintained equally excellent business relations with the Nazi Party and with the US administration. Even when fanatical Nazis in the top ranks of IBM subsidiaries were captured and prosecuted after the war, the corporation was not put in jeopardy and the corporate structure remained fully operational. At IBM, "business" was its middle name.

One lesson that liberalism encourages us to learn from this is that the immorality of IBM's collusion in Hitler's horror should not offend us as much as its amorality. "Big Blue" was apolitical; it just didn't care. After Adolph Eichmann's trial in 1961, Heidegger's former student and ex-lover, Hannah Arendt, left Jerusalem and wrote of the banality of evil (cf. Arendt, 1963). I am not sure if the "profit motive" can sensibly be labeled "banal," but it certainly was associated with evil. In any case, as far as the firm was concerned, its over-riding interest was with the money. Hitler paid well. The US government paid well. That was the bottom line.

It was the technology, however, that constructed the line. Just as the invention of the clock betokened increased industrial work discipline (Thompson, 1993) or PowerPoint (McNeally, 1996, Tufte, 2003) demands reduced literacy, so data management techniques increasingly refine the cliché that knowledge is power and redefine the conventions of power. Even the antique technology of IBM counter-sorters can frame an explicit debate on the ontology of technology that is needed in today's world. We would do well to consider the most obvious elements of current surveillance, data collection, storage, retrieval and recombination in affairs of state. After all, among the primary reasons advanced for ever more intrusive snooping strategies

is the apparent advance of technology and the alleged need to keep up with it. The dismantling of civil rights by George W. Bush, Tony Blair and Anne McLellan are justified by a concern for "national security" that ignores such charming legal antiquities as judicial warrants. The newly emerging Canadian **Modernization of Investigative Techniques Act** which will require companies that provide cell phones, internet access and the like will be compelled to monitor their customers, to turn over records to the authorities and, in national security cases, to do so without the victim (subject) of these inquiries ever being informed. This is "secret police" work with a vengeance (see Walkom, 2005, Nov. 19).

The actual techniques are not especially strange. Although Martha Stewart, for instance, was compelled to wear an uncomfortable ankle bracelet, this may have been done just to promote a sense of humiliation or out of a desire to keep costs under control. After all, plenty of alternatives are available to ensure compliance with the restrictions of house arrest. The global positioning systems which not only permit the authorities to locate rented vehicles and delivery trucks can be downsized and implanted on or in the human body. It does not take much imagination to think about the prospect of taking DNA from every child at birth and implanting a computer chip to monitor the infant's movement from bassinette to burial. If you will but recognize that this is a technology that is available today and that its future use is all but assured, you will see what truly concerns me about racial profiling. Once human beings are bar-coded, pre-fabricated and pro-rated, information technology will be employed to design and define not just racial and ethnic minorities but all people according to whatever characteristics the ruling class of future days deems pertinent. What is more, the objects of this human inventory and warehousing technology show every indication of becoming willing articles taking up social shelf-space in anticipation of providing utilities for the corporate market. Skeptics need only examine the enthusiasm of consumers for smaller and more varied devices for information retrieval (a device, for instance, that can download music directly to an implanted chip in your brain) to see that what can be downloaded can also be uploaded.

We are not yet at the stage where the content of your thoughts can be directly monitored electronically at a distance, but we can certainly survey the activity of your brains through methods such as positron emission tomography (PET-scans). Add this to people's naïve willingness to provide all sorts of digital information from banking transactions to multiple choice quizzes in emerging forms of distance education and you will see the potential. Profiling will not be done on the basis of casual glances at a passing automobile or a person displaying suspicious levels of melanin at a bus stop. It will be done **in absentia** and in a computer quite remote from the objects of its attention but in tight virtual proximity to whatever strikes it as irregular, dangerous and demanding of attention, arrest and incarceration.

In the meantime, surveillance can be maintained via rudimentary technologies such as video monitors — crude but effective devices on subway platforms and in university corridors that can identify the comings and goings of ordinary people and potential terrorists and muggers alike. Data concerned with every imaginable record from consumer purchases, through tax, school, criminal, health care and pharmaceutical records can be stored and shared. I first became aware of the possibilities when, soon after the assassination attempt on Ronald Reagan, a librarian telephoned the FBI station in Boulder, Colorado. She had worked in the neighborhood library where John Hinckley Jr. had been raised and she volunteered to submit a list of all the books that young Hinckley had borrowed since he was a child. She thought it might help in criminal, psychological or political profiling. I do not know if her offer was accepted; I do know that library records have become treasured information troves at the Department of Homeland Security.

We have begun to live virtually. Our physical bodies, much less elements of our abstract "privacy," are now matters of public and private record. We are, as Arthur Kroker once put it, "data in cold storage." The technology, with its attendant mechanisms of collection and retrieval, is widely available. No longer are governments with their police and policy agencies the exclusive users of what is oddly called "intelligence." Focus groups and public opinion polls now regularly add to the information about us — individually and collectively. What is more, the line between private and public surveillance is being blurred.

From efforts by law enforcement officials to learn what books we read by snooping into our library withdrawal files and our purchases from Chapters to running accounts of our child-rearing practices from school records to complaints to Children's Aid Societies, every aspect of our lives can now be entered into data banks, disassembled, recombined and withdrawn at will.

The fact that people with the power to do so are monumentally stupid (as may be the case with the current American political leadership) or monumentally corrupt (as can be said of the leadership of many multinational corporations) does not obviate the potential power of new and emerging technology. The invention of the bow and arrow or the rifle took some ingenuity but it is uncertain that all their early warriors were intellectually above average; no doubt a number shot themselves in the foot. Similarly, just because extant administrators and public "spooks" don't seem to know how to use their machinery effectively, we should not assume that the next generation of inquisitors will not be better trained.

So, although we should know better, our typical response to information technology (which has too often been a shrug and an admission that we not only do nothing but that we are uninterested in discovering what might be done) is inadequate. Our apathy or, perhaps, our fear of being diagnosed as "paranoid" discloses our

remorseless co-dependency on the mechanisms that surround us. We seem content to put attractive paintings on the mimetic walls of our silicon cages. We are not only the subjects of surveillance, but we actively cooperate with the surveillance teams. We are "Big Brother's" virtual accomplices, cheerfully surrendering our PIN numbers, our SIN numbers and participating in focus groups, the purposes of which are to yield even more information about us to whoever chooses to use it and for whatever purposes.

It is, therefore, time to reconsider what Machiavelli called virtù, public virtue. Modernity has done damage to some of our civilization's greatest philosophers from Diogenes the Cynic to Friedrich Nietzsche. Large among these heroes is Machiavelli who did not merely counsel the rich and powerful about how to maintain their positions, but — in a pre-democratic age — advised the Prince about how to encourage the citizenry to become ethical in their dealings with one another and with the state. Even in his most disillusioned moments — we should remember that he lost power and influence — Machiavelli urged the recognition that, although life was largely governed by **fortuna** (fate) and the vicissitudes of power were largely beyond our control, it was nonetheless not only possible but was required of us to act resolutely, vigorously, courageously and with reason and foresight against all odds and obstacles in the pursuit of the good.

To revisit an earlier theme, we are sometimes surprised to learn who our friends are. From time to time, for example, the US Supreme Court stuns us. Though George W. Bush has famously declared that he is not bound by the Geneva Conventions and seems indifferent to the US Constitution, a few of his more egregious actions have been thwarted — even under the Rehnquist Court (though not, I suspect, in the forthcoming Roberts court – see Dworkin, 2005). In Canada, of course, we still have Anne McLellan.

You may think that I have paid insufficient attention to the details of racial profiling; you may know that I have ignored national consciousness altogether. Time is short. Had this conference been held just one week later, however, I might have paid more attention to the matter of the nation and national consciousness. Such a delay would have resulted in this address being given on the anniversary of a day of some importance in history. Four-hundred years ago next Saturday, the so-called "gunpowder plot" was revealed. Had Guy Fawkes and his associates been successful, a good part of London would have been destroyed including the Houses of Parliament and St. Paul's Cathedral and much else that would have been set aflame had the thirty-six barrels of gunpowder exploded. Now that was terrorism.

At issue, of course, was religion and at risk was the state. It was the creation of the nation state that begat broad-based ethnic consciousness, racial identity and all those dimensions of collective awareness that gave Pierre Trudeau fits. Today, the fragmentation of local communities and their reconstruction as metropolitan areas (or

full-blown postmodern societies) simultaneously strip people of their traditional bonds and encourage the fabrication of artificial links that are nowhere more evident than in street gangs that rehearse ancient tribal patterns in a manner that is just made up by urban ethnic myth-makers and the focus of local racial profiling.

What, then, is left to be controversial?

On the one hand, the desperate desire for mutuality and meaning in a fragmented society that no longer has (or can have) claims to our loyalty results in racial and ethnic fetishism. On the other, the prevailing mode of production prevents such fetishistic loyalties from having much meaning or from claiming enduring commitment beyond the local neighborhood (though the Hell's Angels, the Bloods and the Crips are doing their best to generalize loyalties across the continent). Frantic for some sense of human community, we become more isolated and alienated from what passes for our society. We become dangerous in small groups and are required to split up and move along. Idle chatter among small collections of "others" becomes criminalized. So does poverty. So does unemployment.

Meanwhile, fantasies of even greater technological control are coming closer to reality. Much of the futurist speculation that feeds through the media is, of course, foolishness. I remember purchasing a copy of what I seem to recall as an issue of **Popular Mechanics** about fifty years ago. Its cover showed what its editors imagined life would be like in the suburbs of the year 2000. There was a mother in a frilly dress, a father arriving home from work and 2.3 children playing merrily in a manicured back yard. The only changes were technological. Dad had flown home from the office in his personal helicopter and Mom was hanging out the washing that had been done in water heated by the nuclear reactor in the family's basement. Everything else showed no sign of social change (or a clothes drier).

Now past the year 2000, we can scoff at such silliness. Inane talk of "artificial intelligence" confounded us half a century ago. It is still around. At the same time, the alleged capacity of "nonbiological intelligence [to] match the capabilities of human intelligence by 2029" and the inevitability, by the 2030s to "merge this technology [with] nanobots into our brains through our capillaries" may be enough to win research contracts from the federal government's innovation programs (Grewal, 2005, 25 October, p. C2). That is as may be.

What is more important than the hallucinations of ambitious futurists are the routines of already existing authorities as they follow us around, spy upon us, monitor our buying habits, our political opinions, our reading preferences and our daily travels. Racial profiling is an element of emerging and tenacious methods of social control. It is a component of what Heidegger called the essential task of technology itself – namely, the "enframing" of human existence, the socially determined, technologically mediated reduction of human

beings to observable, quantifiable and determined characteristics that, in the end, make us extensions of the machines we have invented to make our lives easier and that end up making our lives objects for the manipulation of others including the machines (Heidegger, p. 23). Whether on the intellectual basis of philosophy, the behavioral basis of political action, or the demographic bases of gender, class, religion or race, we are all susceptible to the ordering of information technology. It can be done, it should be done. It must be done — at least until or unless we reclaim our focal experiences, our attentive practices and our disconnection from the mechanisms of commerce and control. The Luddites understood what they had to do to humanize the industrial revolution. They failed, and paid for their insolence on the gibbet. We do not yet understand what we must do to emancipate ourselves from the information revolution. Our somnolence and our seduction remain the prime indicators of our failure. Our willingness to enter into contests about the way we are mistreated by social institutions and mechanisms that rely on our deep compliance while tolerating our superficial complaints do nothing but seal our fate.

Some awakening is necessary, for although I urge us all to think more comprehensively about our embeddedness in a silicon world and to rely on conservative thinkers to help us in the process, I also have a warning about conservatism. It concerns its inevitable and possibly eschatological pessimism.

Said George Grant, when asked if he was not overly pessimistic about the future of North America: "I'm not being pessimistic at all. I think God will eventually destroy this technological civilization. I'm very optimistic about that."

Said Marshall McLuhan, when asked if he was an optimist: "I have never been an optimist nor a pessimist. I'm an apocalyptic only. Our only hope is apocalypse ... apocalypse is not gloom. It's salvation".

Conservatism invites a sense of tragedy. It may be more persuasive than mindless Reaganist progress, but it must also be weighed carefully lest racial profiling come to be the very least of all our worries. I believe that conservative thinkers who continue to worry about words such as the good and the virtuous can help us discover our real problems; I do not, however, look to them to provide real solutions.

Endnote

1.Throughout the text I have used words such as "race" and "racial" for the sake of convenience and in accordance with convention only. It should, nonetheless, be understood that in doing so I do not subscribe to the notion that there exists a legitimate biological taxonomy including, say, Caucasian, Negroid, Mongol, Amerindian or others. Race is a socially constructed category that

arbitrarily links certain physical characteristics — mainly skin color, hair texture and the like — and falsely attributes differences in other traits such as intelligence and even sexual morality to them. "Race" is, therefore, a "racist" concept.

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◀ **Contents**