

**The Permanent-Emergency Compensation State:  
A Plausible Tale of Political Dystopia for a 'Postsocialist' Age**

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## **The Permanent-Emergency Compensation State: A Plausible Tale of Political Dystopia for a ‘Postsocialist’ Age**

The abundance in contemporary social science of what the sociologist Alan Scott calls discontinuity narratives reflects a widespread scholarly determination to understand a world transformed.<sup>1</sup> This paper, while agnostic on, say, the big debates about postindustrialism, the nation-state’s demise, or the new “risk society,” takes seriously the proposition of fundamental change. Concerned specifically to chart what I call the changing moral contours of contemporary Canadian citizenship, it explores two novel areas of political claims-making from a Canadian perspective: reparations for historical injustices and compensation in the wake of natural disasters.

The discontinuity narrative informing my focus on historical reparations and disaster compensation is critical theorist Nancy Fraser’s analysis of our “‘postsocialist’ condition.”<sup>2</sup> Neither cheer for ideology’s end nor Marxist jeremiad, Fraser’s account targets the reigning ideological sensibility of an age that combines the near-abandonment of hopes for transformative economic change with increased receptivity to cultural and discursive recognition for historically marginalized groups. Fraser first introduced this analysis in her now famous article, “From Redistribution to Recognition? Dilemmas of Justice in a ‘Postsocialist’ Age”—with ‘postsocialist’ hedged by quotation marks to resist its easy aura of inevitability.<sup>3</sup> In Fraser’s view, the signal problem confronting the ‘postsocialist’ age is that a relatively new politics of recognition is displacing older commitments to egalitarian redistribution. The left’s corresponding task, she concludes, is not somehow to make recognition-seekers “wait for the revolution,” but rather to strive

towards more harmonious combinations of recognition and redistribution as visions of social justice.

Fraser's analysis is at the centre of a lively debate about the status and future of left-wing politics in advanced capitalism. On one side, champions of the politics of difference argue that Fraser's account of redistribution's displacement recalls the economistic commitments of an unreconstructed Marxism.<sup>4</sup> On the other, critics of the politics of difference invoke Fraser's narrative of displacement in their own, less nuanced treatments of multiculturalism and recognition politics.<sup>5</sup> However, a new stage in the recognition-redistribution debate appears to have begun; one characterized by a more cautious focus on studying the actual interplay between questions of recognition and redistribution in specific areas of contemporary political life.<sup>6</sup> This is a welcome development. Although many critics maintain that recognition is displacing redistribution—and this is the claim on which debate must hinge—little sustained attention has been devoted to investigating the means by which this displacement is occurring, or even to determining whether it is occurring at all.<sup>7</sup>

The decline of egalitarian redistribution does not itself seem to be in doubt. In Canada, more than a decade of spending cuts at both federal and provincial levels has undermined the idea of social citizenship while problems of homelessness, poverty, and employment insecurity go largely unaddressed.<sup>8</sup> This does not seem to be a temporary state of affairs. Several years after the replacement of the federal budget deficit with a string of consecutive surpluses, Leslie Pal reports that “spending instruments are being used cautiously and often in the form of ‘boutique’ programs without major expenditures commitments.”<sup>9</sup> Meanwhile, policies of inegalitarian redistribution, in the form of

privatization, user fees, and tax cuts, appear to be on the rise.<sup>10</sup> But how to go about investigating the relationship of recognition to these developments?

The growing demands for reparations by victims of historical injustices constitute an important new species of recognition politics.<sup>11</sup> They posit official apologies and financial compensation as tools for addressing the lasting effects of slavery, colonialism, and various lesser instances of official racism. And this new “redress politics,” moreover, has engineered a shift in the meaning of the word “reparations”—one that seems to encapsulate key aspects of the ‘postsocialist’ condition.<sup>12</sup> Formerly the indemnities that defeated parties in military conflict were obliged to pay to the victors, reparations are now understood as compensatory acts for past wrongs demanded of powerful actors by victim groups which are often quite weak in conventional political resources.<sup>13</sup> As sociologist John Torpey argues, this change in meaning suggests both a more profound underlying transformation in our view of what counts as a repairable injustice and a corresponding enlargement of our sense of responsibility towards particular sorts of victims.<sup>14</sup>

Defined by the United Nations as responses to past wrongdoing that combine symbolic processes of acknowledgment and apology with the payment of various forms of material compensation, reparations has arrived as an object of academic study.<sup>15</sup> For example, a recent search of peer-reviewed journals in the Academic Search Elite database yielded 93 entries under “reparations.”<sup>16</sup> Qualitatively, the field’s growing maturity is reflected in the diversity of scholarly approaches that it houses.

Viewed as an intellectual, moral, and emotional process of “coming to terms with the past,” redress politics attracts attention as a “new form of political negotiation that

enables the rewriting of memory and historical identity in ways that both [perpetrator and victim groups] can share.”<sup>17</sup> This focus often reflects a broadly sociological curiosity about the origins and significance of the transformed historical sensibility that seems to characterize the new century.<sup>18</sup> When harnessed to more specifically goal-directed inquiries into how to promote democratization in the wake of grossly abusive regimes, the coming-to-terms focus characterizes the field of transitional-justice studies.<sup>19</sup> A related, yet distinct angle of vision looks specifically at apology as a medium for restoring relations between victim and perpetrator groups and/or their respective descendants.<sup>20</sup> Still other paths are being forged by scholars in disciplines such as political science, history, and even literary studies, who enrich the study of reparations by bringing diverse disciplinary approaches and skills to the analysis of particular redress claims.<sup>21</sup>

Perhaps the best indicator of the field’s growing sophistication is the focused and restrained character of sceptical analyses of reparations.<sup>22</sup> For example, rather than offering blunt wholesale pronouncements, scholars may ask about the appropriateness of law as a medium for resolving particular instances of historic injustice.<sup>23</sup> With similar nuance, some political and moral philosophers warn that new notions of reparative justice may be conceptually muddled, and should be scrutinized for their potential threat to distributive justice.<sup>24</sup> By the same token, those philosophers who differ tend not to reject the distributive paradigm itself, or even to downplay the importance of distributive concerns, but rather to argue that reparative justice can complement distributive justice in important ways.<sup>25</sup>

Scholars approaching the area also encounter an impressive diversity of redress claims. Many of the most well-known are international, with victims or their descendants seeking apologies and compensation from foreign states or corporations. Examples include the African calls for Europe and North America to redress the trans-Atlantic slave trade, the respective Chinese and South Korean demands that Japan atone for the Nanking massacre and the “comfort women system,” and the Jewish and South African lawsuits against foreign corporations which helped to prop up the Nazi and apartheid regimes.<sup>26</sup> In terms of reparative claims within single states, perhaps the most currently well known is the African-American focus on slavery and Jim Crow.<sup>27</sup> There are also the more recent victims of genocidal or harshly authoritarian regimes, particularly in Africa and Latin America, who seek to hold their former tormentors to account.<sup>28</sup> Distinct from the national-versus-international schema employed above, because directed against domestic governments by groups seeking self-determination, are the reparative claims of indigenous peoples in the United States, Canada, Australia, and New Zealand. These claims tend to focus on the breaking of treaties, the theft of land, sacred objects, and human remains, and the abuse and cultural assault endured in state-mandated residential schools.<sup>29</sup>

Canada is both a state in which the need to forge just relations with First Nations is urgent and a prominent venue for reparative demands generally. Indeed, nearly half of the scholars cited in the literature discussion above are either Canadian citizens or hold appointments at Canadian universities. Although such a list may reflect the parochial reading habits of the author, it also points to something important about the Canadian scene. As Ronald Beiner and Wayne Norman suggest, the wealth of contemporary

Canadian academic writing on questions of culture and identity seems to highlight the reflective opportunities afforded by a country in “more or less permanent constitutional crisis.”<sup>30</sup> Of course the scholarship, let alone the crisis, is not to everyone’s taste.<sup>31</sup> But the important point is that the complexly unresolved history of its multiethnic and multinational society makes Canada an important setting for debates over redressing historic injustices.

The list is long: the “head tax” imposed on Chinese immigrants; the repression of the Doukhobors; the mistreatment and then rejection of the Sikh migrants aboard the *Komagata Maru*; the wartime internments of Japanese, Italian, Ukrainian, and German Canadians; the litany of wrongs and abuses experienced by First Nations, Métis, and Inuit; the slavery and official racism affecting various groups of African Canadians; the failure to admit Jewish refugees during World War Two; the deportation of the Acadians—all have spawned reparative claims.

The connection between these claims and Canadian constitutional politics is highlighted in Alan Cairns’s 1995 essay, “Whose Side is the Past On?”. Cairns sees an important link between the focus of formal constitutional politics on large-scale institutional change and the focus of redress politics on transforming historical narratives and symbols: both concern themselves with reshaping the parameters that will help to form our future civic relationships, political debates, and national self-understandings. Thus, Cairns presents redress politics as a dimension of constitutional politics; as “a different constitutional reform agenda ... [whose] achievement requires a revisiting of the past. This activity may be variously described as cultural-constitutional, or societal-constitutional. It involves the efforts of yesterday’s outsiders to be fully and positively

included in society's view of its past and present."<sup>32</sup> Cairns's enlarged perspective on constitutional reform highlights the capacious ambition of Canadian constitutional politics during the late 1980s and early 1990s; a blizzard of competing efforts to refashion political community. More generally, it also recommends viewing the trajectory of Canadian redress politics against that of the formal constitutional debate.

Associated with the demands of Japanese, Chinese, and Ukrainian Canadians, the first major wave of Canadian redress claims quickly followed the 1982 entrenchment of the Charter of Rights and Freedoms. The addition of judicial review of citizen rights to the constitutional order furnished a sudden, "officializing" contrast between historical patterns of Canadian public policy and the country's new founding principles.<sup>33</sup> Thus, the Chinese-Canadian redress movement began in 1983 when a man brandishing his head-tax certificate appeared at his MP's office demanding recompense on the ground that the tax contravened the equality guarantees in the new Charter.<sup>34</sup> This dynamic had been foreshadowed during the public hearings of the 1950 Special Senate Committee on Human Rights and Fundamental Freedoms and the 1980-81 Special Joint Committee on the Constitution of Canada. At both constitutional reform venues, witnesses insisted that official discussions about equality rights would have to start by reconsidering the racist treatment meted out to their communities in the past.<sup>35</sup>

The second wave of Canadian redress politics, in which the original Japanese-, Chinese-, and Ukrainian-Canadian claimants were joined by fellow citizens of Italian, German, Jewish, and Indian descent, coincided with the 1987-1992 debates over the Meech Lake and Charlottetown Accords. Its defining feature was an ultimately fruitless process of collective redress negotiations between the various claimant organizations and

the federal multiculturalism ministry. These negotiations broke down in 1993 when Conservative Multiculturalism Minister Gerry Weiner declared that the country's fiscal situation made paying significant amounts of financial compensation impossible.<sup>36</sup> A year later, the incoming Liberals shut down the collective negotiation process entirely when Multiculturalism Minister Sheila Finestone announced that her department would not pay any financial compensation to redress-seeking groups.<sup>37</sup> Finestone's announcement also seemed to reject the notion of redress itself, stressing as it did her government's determination to "invest in the future" rather than "to attempt to address the past."<sup>38</sup>

With final compensation to formerly interned individuals coming in at \$376,908,000, the Japanese Canadian Redress Agreement of 1988 might have been sufficient to spawn what one critic called the "compensation queue."<sup>39</sup> But the broader constitutional context certainly shaped the particular path taken by the second wave of claims. As historians Franca Iacovetta and Robert Ventresca note, Prime Minister Brian Mulroney's views on constitutionalism and historical redress amounted to the virtual inversion of those of his predecessor. Pierre Trudeau both despised the decentralizing politics of constitutional brokerage and told redress claimants, on more than one occasion, that we can "only be just in our own time."<sup>40</sup> Determined to try a different approach, Mulroney took just three days at Meech Lake in 1987 to persuade the English-speaking premiers to sign a deal that proposed to confer special constitutional status on Quebec in return for the decentralization of federal powers. Two years later, with the deal's unpopularity shading into full-blown constitutional crisis, Mulroney initiated collective redress negotiations with Canadians of Chinese, Indian, Jewish, Italian, and

Ukrainian descent—groups whose lead organizations were all vigorously opposing the distinct society clause.<sup>41</sup>

Excepting Chinese Canadians, who eventually made head-tax redress the subject of a high-profile but ultimately unsuccessful legal case, and Ukrainian Canadians, who achieved modest success in persuading Ottawa to establish commemorative plaques at various internment sites, Finestone's 1994 announcement silenced the remaining ethnic-minority claimants.<sup>42</sup> Yet the immediate post-Charlottetown period did see a third wave of redress claims, as the federal Department of Indian and Northern Affairs faced calls to atone for the 1950s High Arctic Inuit relocation and for the suffering caused by Ottawa's residential schools policy. In 1996 the affected Inuit communities were compensated with a \$10 million trust fund, a deal which required them formally to accept that the relocation planners had acted with "honourable intentions."<sup>43</sup> And in 1998, Indian and Northern Affairs Minister Jane Stewart issued a Statement of Reconciliation and unveiled a \$350 million "healing fund" designed to meet the medical and counselling needs of residential schools survivors. While declaring that the federal government was "deeply sorry" for the sexual and physical abuse suffered by many residential schools students, Stewart—Prime Minister Chrétien did not even appear at the press conference announcing the initiative—resisted calls to apologize for the intentions behind the policy and its broader, ongoing effect on Aboriginal families and communities.<sup>44</sup>

The relocation trust fund and Statement of Reconciliation appear to represent end-of-an-era echoes of Canada's high days of constitutional politics. Their sheer existence followed from incoming Liberal Prime Minister Jean Chrétien's inability to refuse outright a major inheritance from the Charlottetown era; the Royal Commission on

Aboriginal Peoples. And their relatively low cost and careful vigilance on the implications of apology reflected Chrétien's determination to avoid the sort of bold, Mulroneyesque gestures that might excite the right-wing populist outrage known as "constitutional fatigue." Accordingly, in a compromise decision emblematic of a new constitutional approach, the Chrétien government elected to sidestep the Commission's strong emphasis on speedy, comprehensive self-government negotiations in favour of responding more modestly to its calls for residential schools reparations and High Arctic relocation redress.<sup>45</sup>

Harvey Lazar's basic description of Ottawa's post-Charlottetown constitutional approach thus seems to fit the case of redress politics as well. Hoping for "emotions ... to cool," the Chrétien government put "major constitutional reform into the political deep freeze," while deploying "one at a time ... legislative or administrative solutions" whenever particular unity-related problems became impossible to ignore.<sup>46</sup> Assessing the contemporary state of reparations politics in Canada should help to flesh out the parallel.

Refusing to redress the broader strategy of brutal cultural assimilation that lay behind the residential schools policy, Ottawa has responded to the ongoing \$12 billion *Baxter* class-action litigation by establishing an alternative dispute resolution process, with \$1.7 billion earmarked for the settlement of individual abuse claims.<sup>47</sup> It has also sought, with mixed success, to persuade the churches that ran the schools to agree to share some of these alternative-settlement costs.<sup>48</sup> Similarly, legal action kept the federal government engaged in desultory talks about head-tax redress with the Chinese Canadian National Council—until the Ontario Court of Appeal ruled against the plaintiffs in *Mack v. Attorney General of Canada* in September 2002.<sup>49</sup>

The other factor capable of sparking federal engagement with redress claims in the post-Charlottetown era is international embarrassment. Most notably, Canada's Acadians recently received official acknowledgment of the 1755-1763 expulsion, though not an apology or financial compensation. On 10 December 2003, Heritage Minister Sheila Copps and Intergovernmental Affairs Minister Stéphane Dion announced a Royal Proclamation, which recognized "the historical fact of the Acadian deportation" and proclaimed that, starting in 2005, the day of 28 July would be marked as "A Day of Commemoration of the Great Upheaval."<sup>50</sup> In this case, Queen Elizabeth's October 2003 visit to New Brunswick provided what proved to be a crucial focal point for Acadian demands. Soon after the Queen's visit, during which at least one heckler had shouted, "Give back the land you stole from my ancestors in 1755," Buckingham Palace and the federal cabinet held a series of secret discussions that prompted Ottawa to issue the Proclamation on the Queen's behalf.<sup>51</sup> A similar effect may follow from the March 2004 publication of the report of the United Nations Special Rapporteur on Racism's fact-finding visit to Canada.<sup>52</sup> The federal Heritage department and the Nova Scotia government have responded to Doudou Diène's report, which recommended reparations for the 1964-67 destruction of Halifax's historic Africville community and subsequent relocation of its residents, by commencing discussions with the Africville Genealogy Society on the matter.<sup>53</sup> Although Diène also urged head-tax redress, the Chinese Canadian National Council's bedrock insistence on a minimum of \$23 million compensation (the amount collected under the tax, without interest or inflation) still founders against what appears to Ottawa's equal determination to resist spending significant amounts of money on redress.

Taken collectively, these measures, half-measures, and non-measures point up the reluctant and episodic character of the federal government's post-Charlottetown approach to historical redress. To use psychologist and redress expert Brandon Hamber's helpful distinction, Ottawa avoids undertaking processes of *reparation*; broad, negotiated ensembles of explicitly interlinked acts oriented towards rebuilding relationships in mutually enriching ways. Instead, the federal government attempts to defuse particular redress controversies with low-profile, scattered, and reluctantly extended individual instances of *reparations*.<sup>54</sup> Shunning comprehensive redress packages like the 1988 Japanese Canadian Redress Agreement, steering clear of the second wave's collective approach to redress negotiations, and always keeping the prime minister well out of the picture, Ottawa appears motivated not only by fiscal caution but also by a more general distaste for any sort of high-profile initiative that might recall the community-refashioning dangers of constitutional politics.<sup>55</sup>

Drawing on Cairns's view of redress politics as constitutional politics and Lazar's work on the post-Charlottetown politics of "non-constitutional renewal," this analysis suggests that Canada's special constitutional circumstances may be prompting a divergence from the increased global focus on reparations noted earlier. At the same time, when set against the extraordinary impact of the country's recent constitutional history, the persistence of reparative claims in Canada, along with their capacity to attract the occasional, mildly positive response, suggests the presence of a powerful underlying momentum keeping redress demands on the political agenda.

I suggested earlier that the rise of redress politics points up an important transformation in our view of what counts as a repairable injustice and a corresponding

enlargement of our sense of responsibility towards particular sorts of victims. Specific, obvious injustices of racism or colonialism committed against discrete, identifiable groups are seen, at least potentially and in principle, as injustices that engage communal political duties of atonement and repair. In my view, this is a positive development. But its coexistence with the decline of egalitarian redistribution, which sharply contradicts T.H. Marshall's account of citizenship's evolutionary expansion, makes it important to ask about the broader 'postsocialist' context in which the development is taking place. On the one hand, groups seeking redress for particular sorts of historical injustices elicit policy responses that would have been unthinkable little more than two decades ago. On the other, poor and working-class people are seeing less of what Pierre Bourdieu calls the state's "left hand" of social policy in favour of a return to the old "right hand" of surveillance and punishment.<sup>56</sup>

These observations raise the question of whether the decline of the welfare state and the rise of redress movements are products of a larger underlying trend. This trend reshapes the moral contours of citizenship by redefining what constitutes a worthy civic claim and who constitutes a worthy civic claimant. The potential result is a citizenship that combines a new, if somewhat grudging and inconsistent, sensitivity to past racist policies that unjustly harmed the innocent with a mounting indifference towards those whose present suffering seems either to lack the requisite "innocent" quality or to have been caused by market forces.

In the field of mainstream recognition politics generally, the emphasis on innocence stresses the extent to which women, visible minorities, lesbians and gays, and other traditionally marginalized groups experience a host of social penalties and civic

barriers that are no fault of their own. Even the debates over whether or not homosexuality is a matter of choice or of genetics seem informed by this imperative of innocence.<sup>57</sup> Social-work scholar Xiaobei Chen also sees a similar emphasis in contemporary antipoverty campaigns, which react in well-meaning but nevertheless unfortunate ways to the unpopularity of adult welfare recipients by invoking the figure of the child in an attempt to capitalize on “the much-fetishized quality of innocence.”<sup>58</sup> Therefore, it is important to ask whether the emphasis in redress politics on innocent victimization draws on and reinforces a broader ideational background that is unfavourable for egalitarian redistributive claims.

However, focusing on Canada’s recent constitutional experience has served to highlight the barriers faced by redress claimants when the dominant society acquires a well-honed aversion to country-changing deeds of contrition. Perhaps further light can be shed on the changing moral contours of contemporary Canadian citizenship by considering a different type of reparative claims-making; compensation for the victims of natural disasters. Disaster compensation is particularly interesting because it appears to benefit from the public sympathy that discourses of innocence command, while escaping the liabilities that tend to attach to divisive “special interests.”

The political importance of disaster compensation is certainly becoming evident. As the recent cases of the Red River and Saguenay floods, the British Columbia forest fires, and the Quebec-Ontario ice storm suggest, the processes associated with global warming appear to be contributing to a growth in frequency of the sort of extreme weather events that make disaster compensation necessary.<sup>59</sup> At the same time, public officials seek political gain by descending upon disaster sites, donning emergency gear,

and then pledging their dedication to ensuring maximum compensation for the victims—a phenomenon that one sceptical American observer calls the “disaster racket.”<sup>60</sup> In a recent conversation, my colleague Jeremy Wilson gave these developments a useful, if chilling label.<sup>61</sup> Ironically invoking sociologist and Third Way guru Anthony Giddens’ call to replace the Keynesian welfare state with a new, “social investment state,” Wilson wondered whether we might be witnessing the birth of the “permanent-emergency compensation state.”<sup>62</sup> The following pages speculate about what the growing emphasis on disaster compensation might mean for the changing moral contours of contemporary Canadian citizenship. A preliminary comparison with the politics of historical redress is first in order.

A common hurdle in redress politics is the difficulty of demonstrating a sufficiently straightforward link between present-day suffering and some precipitating, catastrophic episode. For example, Rhoda Howard-Hassmann argues that, assuming that the event in question is clearly understood as unjust, the chances of success diminish as the passage of time clouds the relationship between the plight of the claimants and the impugned action or policy. After comparing the reparative campaigns of Jews, Japanese Americans, African Americans, and Africans, Howard-Hassmann reports: “it is much easier to effect change when facts are recent, and apply to a finite number of living, identifiable individuals ... than to effect change when the facts are about a seemingly infinite number of unknown people, many generations of whom are long dead.”<sup>63</sup>

Claimants seeking redress for historical injustices not only face broadly evidential problems stemming from the passage of time. Because the culpability of a victimizing agent tends to be an important element in these historical redress claims, these campaigns

need to achieve political or legal success in affixing contemporary responsibility to the target of their demands.<sup>64</sup> This can even be important in cases of redress for very recent injustices. For example, Michael Orsini's analysis of "naming, blaming, and claiming" in Canada's tainted blood scandal shows how the bitter debates around compensating persons infected with Hepatitis C hinged on different interpretations of federal responsibility for the fiasco.<sup>65</sup> In summary, therefore, groups seeking redress for injustices must demonstrate to the satisfaction of others convincing linkages between the harm suffered, some precipitating policy or event, and the culpability of the actor said to be responsible for the harm. Other things being equal, activists will find these requirements less burdensome when there is a relatively short intervening time frame between the wrongful act and the redress claim.

To clarify these points we can envision a field in which redress for past injustices is distinguished from disaster compensation on two dimensions. One dimension is the presence or absence of a victimizing agent; the other is the length of time between the relevant event and the calls for compensation. Redress for historical injustices involves the presence of a victimizing agent and a relatively lengthy intervening time frame; disaster compensation lacks a victimizing agent and has a fairly short intervening time frame. Compensation for victims of medical wrongdoing involves the presence of a victimizing agent but may involve slightly lengthier intervening time frames, as it can take time before the nature of the wrong comes to light and victims are able to seek compensation.

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VICTIMIZING AGENT

*historical redress*

*medical compensation*

PAST

PRESENT

*disaster  
compensation*

NO VICTIMIZING AGENT

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With regard to compensation for victims of natural disasters, two relevant considerations—both favouring claimants—stand out. First, the tendency for intervening time frames to be extremely short makes it easy for disaster claimants to link their losses and suffering to a relevant precipitating event. Second, disaster-compensation claimants are not required to identify or, still less, do battle with a culpable victimizing agent in the wake of what insurance companies still call “acts of God.” Thus, not only do disaster-relief claimants avoid having to deal with the understandable reluctance of governments to own the misdeeds of predecessor administrations. Because they target “acts of God” rather than injustices of racism or colonialism, disaster claims tend to avoid casting the wider political community in a negative light. By contrast, the Japanese-Canadian redress campaign could not help but highlight the racist hysteria that gripped the wartime West Coast. Similarly, discussions about residential schools trouble non-Aboriginal Canadians with reminders of a sorry history of colonial exploitation wrapped in smug appeals to a presumed cultural superiority.

Thus, what I want to suggest, quite tentatively in the absence of a more complete study, is that a combination of innocent victimhood, relatively tight causal time-frames, and a tendency to leave the wider political community unimpugned is favourable for disaster-compensation claimants. Claims for compensation following from discrete incidents of high-profile destruction, calls that do not threaten civic self-images or seek to attach guilt, may fare well in a political climate averse to both the confrontational stresses of identity politics and the expenditure of public funds on the less-than innocent.

There is no doubt that expenditures under the federal government’s Disaster Financial Assistance Arrangements have risen sharply in recent years.<sup>66</sup> Established in

1970, and administered by the Office of Critical Infrastructure Protection and Emergency Preparedness, the Arrangements establish a cost-sharing formula that leaves most of the specific decisionmaking about compensation to provincial governments. Following a natural disaster, individuals are typically required to submit their damage claims to municipalities. Municipalities submit these individual claims along with their own infrastructural costs to provincial governments, which then have the responsibility for determining the forms, levels, and targets of compensation. Once a province's expenses exceed \$1 per capita of provincial population, the Disaster Financial Assistance Arrangements then kick in. Eligible expenses under the Arrangements include costs of emergency and recovery operations, infrastructure repair and replacement, and compensation for uninsured losses incurred by businesses and individuals. Once the \$1 per capita floor is reached, the next \$2 per capita trigger federal compensation at 50% of submitted eligible provincial expenses. The next \$2 per capita attract compensation at the rate of 75% of provincial expenses, and any further expenses are compensated at 90%. What this means in practice is that relatively small disasters (those whose costs do not exceed \$1 per capita in the affected province) are left to individual provinces and municipalities, with Ottawa taking a proportionately greater role as the financial magnitude of the crisis rises.

Even after converting the figures into 2004 dollars, it is clear that payments under the Disaster Financial Assistance Arrangements have skyrocketed since their inception in 1970. In the 1970s, an exceptional decade with several significant snowstorms, total expenditures under the Arrangements were just over \$240 million. Payments declined to just over \$142 million in the 1980s. However, two major floods and the historic 1998 ice

storm caused disbursements in the 1990s to rise dramatically to almost \$978 million. And in the first three years of the new decade, payments have already reached approximately \$410 million—almost twice the total spent during the entire, and exceptional, 1970s.<sup>67</sup>

It should also be noted that these figures themselves underestimate emergency expenditures. For instance, health emergencies like Toronto's recent SARS epidemic do not qualify for assistance under the Arrangements. In addition, a variety of federal agencies, departments, and ministries offer ad hoc disaster compensation payments that fall outside the purview of the Arrangements. The Canadian Food Inspection Agency, Agriculture Canada, Health Canada, Western Economic Diversification, FedNor, Industry Canada, FedQ, the Atlantic Canada Opportunities Agency, the Department of National Defense, and the Department of Finance have all transferred disaster-relief funds in recent years to other levels of government, corporations, small businesses, and individuals.<sup>68</sup> Finally, the figures canvassed above do not include disaster expenditures by provinces and municipalities that were either ineligible under the federal guidelines or that were not sufficient to trigger the Disaster Financial Assistance Arrangements formula.

There are two main reasons for the increase in disaster-compensation expenditures. First, natural disasters appear to be occurring more frequently than in the past. Second, a combination of rising overall societal wealth and population growth in vulnerable areas increases the financial impact of disasters.<sup>69</sup> Canadians may have particular reason to be concerned. Not exactly the house organ of the Green party, *Canadian Business* magazine notes that “climate change is rattling Canada's economy

more than any other developed nation,” with the “greatest increase in average annual temperatures of any country in the world.”<sup>70</sup> Certainly, many recent large-scale disasters in Canada appear to be climate-related, such as the 1996 Saguenay flood in Quebec, the 1997 Red River flood in Manitoba, the 1998 ice storm in Quebec and Eastern Ontario, and the 2003 forest fires in British Columbia.

In his classic study *The Emergence of Social Security in Canada*, Dennis Guest stresses the inability of families and communities to cope with the chaos and hazards thrown up by an increasingly industrialized and urban society. Over a period of decades, Canadians responded by building a reasonably comprehensive social safety net that assumed responsibility for risks that had once been the exclusive concern of families, relatives, and private charities.<sup>71</sup> In recent years, neoliberal policy-making has begun to reverse this trend, not only via expenditure cuts but also by establishing various programs and incentives that transform advocacy organizations into social-service providers. As Miriam Smith points out, what we see is the “downloading of service delivery to the community.”<sup>72</sup>

Yet alongside the at least partial reversal of the process described by Guest, we see the strangely parallel emergence of a public infrastructure for disaster compensation, with responsibilities that were formerly left to individuals, communities, and charities increasingly being assumed by the federal government. In the absence of a more thorough study, a sense of the change from an ad hoc disaster-relief system dominated by private charities to a formal compensation scheme under federal leadership can be gained by consulting the Canadian Disaster Database produced by the office of Public Safety and Emergency Preparedness Canada. The database contains information on natural

disasters in Canada from 1900 to the present, including information about the costs of various disasters and emergencies. What is interesting here is a basic shift in the sources for the data on disaster costs that are contained in the database. The dominant source on disaster-cost statistics for the years prior to World War Two is the Canadian Red Cross, with a supplementary role being filled by the Salvation Army and various provincial departments and agencies. But after World War Two, and particularly after 1970, the main source for cost information is Emergency Preparedness Canada, the predecessor of today's lead federal government agency on disaster compensation, the Office of Critical Infrastructure Protection and Emergency Preparedness.<sup>73</sup> Indeed, the profile of the latter entity seems set to rise even further with its recent transfer from the Department of National Defence to the new, post-9/11 Public Safety and Emergency Preparedness Ministry under Deputy Prime Minister Anne McLellan.<sup>74</sup>

To think about the rise of the “compensation state” at a time of welfare-state decline, it is useful to turn to German sociologist and social theorist Ulrich Beck's notion of “risk society.” Beck asks whether the various conflicts and concerns of “class society” are being superseded by a new preoccupation with the risks characteristic of an increasingly industrialized, polluted, and chemical-dependent world. The preoccupation is fueled, Beck notes, by a pervasive uncertainty—by the problem that we can never really know with certainty what our degree of exposure to “risk” is or what constitutes an “acceptable” risk.<sup>75</sup>

Beck's notion of a risk society has been criticized on two main grounds. Some argue that it exaggerates the extent to which the problems of class society, even in the wealthy northern countries, have been superseded, while underestimating the tendency of

the risk society's hazards and dangers to be distributed unequally along the lines of socioeconomic class.<sup>76</sup> From a different perspective, anthropologist and cultural theorist Mary Douglas argues that Beck is insufficiently radical in discussing the social construction of risk. Drawing on her earlier work on the social function of taboo in *Purity and Danger*, Douglas argues that risks are always constructed and always have political uses. For Douglas the key point about modern society is not whether or not there are more risks than there used to be but rather what our focus on environmental risks reveals about ourselves: "Disasters that befoul the air and soil and poison the water are generally turned to political account: someone already unpopular is going to be blamed for it."<sup>77</sup> Thus, what stands out about the current situation for Douglas is that contemporary thinking about risk is being driven by a pervasive underlying fear of corporations and technology.

Far from aiming to settle these debates, I want to draw on some of their main themes to help think about what the increased emphasis on compensating disaster victims might mean in light of our 'postsocialist' condition. Most relevant here is Beck's notion that political debates at a time of growing environmental awareness centre around questions of risk and Douglas' point that dealing with "risks" is always a question of politics. In particular, I want to pursue Douglas' focus on the political purposes of risk by drawing on Alan Scott's suggestion that the pressing sense of hazard generated by a heightened consciousness of risk can be harnessed as a means of generating social solidarity.<sup>78</sup>

This certainly once seemed to be the case with the Canadian welfare state, whose focus on coping at the level of political community with previously neglected risks

became an important basis of national solidarity in the decades following World War Two. The contemporary decline of the welfare state thus involves at least a partial return to classical liberal notions that income-security risks are the proper responsibility of individuals and private charities. By the same token, the emergence of a permanent, automatic cost-sharing federal infrastructure for emergency compensation suggests a concomitant shift towards seeing natural-disaster risks as responsibilities to be faced collectively by the whole political community.

To explore this point the following section of the paper compares the political responses and public discourse in the wake of four different Canadian natural disasters; the Edmonton tornado of 1987 (27 killed, \$665,483,000 in estimated costs), the Montreal flood of 1987 (2 killed, \$86,729,000 in estimated costs), the Saguenay floods of 1996 (10 killed, \$1,722,343,000 in estimated costs), and the ice storm in Quebec and Eastern Ontario of 1998 (28 killed, \$5,410,184,000 in estimated costs). Excepting instances of drought and crop failure, which I leave aside as primarily commercial disasters with their own mechanisms of compensation, these constitute the most costly natural disasters of the 1980s and 1990s, respectively. I have chosen not to focus on the more recent cases of the British Columbia forest fires or Ontario's SARS crisis in order to demonstrate that the increased political significance of disaster compensation, particularly as a way of attempting to build and express feelings of civic solidarity, is a genuine trend rather than a more ephemeral artefact of a few high-profile recent incidents.

The first theme that stands out is what appears to be a diminishing skepticism towards claims for disaster relief. In the case of the 1987 Edmonton tornado, for example, Alberta Public Safety Minister Ken Kowalski mused about the possibility of

pursuing fraud charges against tornado victims who had made “outrageous damage claims.” The minister even went so far as to complain specifically about a family of four that had claimed \$198,000 for damaged goods: “All of this fits into a three-bedroom, 14-foot-by-70-foot trailer.”<sup>79</sup> Similarly, after the 1987 Montreal flood, Quebec Supply and Services Minister Gilles Rocheleau warned flood victims to moderate their expectations: “We are not an insurance company. . . . It’s not Father Christmas passing by.”<sup>80</sup>

By the time of the 1996 Saguenay floods and the 1998 ice storm, public officials were striking a very different tone. For example, after the Saguenay floods Quebec Premier Lucien Bouchard said, “I think we’re going to beat the speed record in terms of putting the [disaster-relief] program in place” while going on to muse that his government’s original compensation estimate of \$200 million looked “more and more like an advance, more and more like a minimum.”<sup>81</sup> One news report noted that the contrast with the treatment of victims of the 1987 Montreal flood had “raised questions of fairness and hopes of increased compensation among victims of previous natural disasters.”<sup>82</sup> Similarly, noting that “government relief packages have become progressively more generous in recent years,” another report on the 1996 Saguenay floods quoted an official from Quebec’s Public Security Department stating, “For us this is a surprise. It’s a whole new game.”<sup>83</sup> And in the wake of the 1998 ice storm, Prime Minister Jean Chrétien proclaimed: “Everywhere there is a need, we are trying to help fill it. And after this crisis is passed, we will be there to help rebuild.” When queried about the potential cost, Chrétien replied, “It’s not my biggest preoccupation.”<sup>84</sup>

A related theme is the growing personal attention paid by politicians to disaster victims. In the case of the 1987 Edmonton tornado, Prime Minister Brian Mulroney only

visited the disaster site because he was already in Edmonton to make a scheduled announcement about his government's Western economic diversification program.<sup>85</sup> No federal or provincial officials visited the areas affected by the 1987 Montreal flood. Indeed, Montreal Mayor Jean Doré left town on holiday the day after.<sup>86</sup> By contrast, Prime Minister Chrétien and Premier Bouchard both took high-profile tours of the Saguenay in 1996, while Calgary MP Jan Brown drove a truck across the country to deliver donated relief goods.<sup>87</sup> Communities affected by the ice storm also received a bevy of visits from various officials, including Chrétien, Quebec Premier Bernard Landry, and Ontario Premier Mike Harris.

A final prominent theme is the apparently increased importance of disaster compensation and disaster response as a means of expressing and producing feelings of community and solidarity. In particular, as one columnist noted, the 1996 Saguenay floods, which came on the heels of 1995's near-miss sovereignty referendum, "provided an opportunity for other Canadians to show Quebecers, perhaps in a more tangible way than unity rallies or billboard messages, that the national solidarity of which [Quebec Premier Lucien] Bouchard so often speaks is not confined within Quebec's borders."<sup>88</sup> The columnist continued: "foreign aid enhances Canada's image and promotes its national interests abroad, as well as benefiting the recipients. Perhaps domestic aid to Canadians in need can do the same."<sup>89</sup> This emphasis on solidarity in the wake of the Saguenay floods also appeared in volunteer efforts. Jan Brown's cross-country trek proclaimed, "this is from us in the West," while a flood of Canadian donations to the Red Cross prompted a spokesperson to report, "We knew people were generous, but we are surprised ... at the amount of contributions that are coming in from across the country."<sup>90</sup>

But this emphasis on disaster relief as a vehicle of solidarity was not only characteristic of the post-referendum response to the 1996 Saguenay floods. After the 1998 ice storm in Ontario, Premier Harris toured the affected communities, praising the “unprecedented selflessness” of volunteers, and saying, apparently at more than one stop: “I’m going to ask you when you see someone you know who was there when their community needed them, who may not be here today, I will ask you to tell them that Mike says thanks to them, too.”<sup>91</sup> A charity concert in Ontario also provided an occasion for celebrating the heroism displayed by during the storm: “Soldiers, hydro linemen, firefighters, telephone workers and a legion of volunteers were lauded as heroes for helping those left out in the cold and dark during last month’s devastating storm.”<sup>92</sup>

Similarly, then Finance Minister Paul Martin enthused in the wake of the ice storm: “Time and time again Canadians have demonstrated, whether they are from Quebec or whether they’re from Manitoba, that in times of crisis this country comes together. It is that deep feeling of mutual help and tremendous mutual affection that I think is one of the strongest ties in the land.”<sup>93</sup> And at a special parliamentary ceremony honouring the heroism and sacrifices displayed by emergency personnel and relief workers during the storm, House of Commons Speaker Gilbert Parent stated: “When I think of what we have done together as Canadians, I am reminded of the ice storm’s beauty. ... We are reminded of the beauty of family, neighbours, friends and strangers reaching out a helping hand. Some say we are a peculiar people and we took 97 years to choose our own flag. But we know who we are—we are Canadians.”<sup>94</sup>

On the basis of this admittedly sketchy and quite preliminary survey, it appears that disaster-compensation schemes are becoming increasingly generous, that politicians

are placing increased emphasis on using disaster visits and disaster-compensation programs as opportunities for demonstrating compassion to people in need, and that government and community responses to disasters alike are becoming important as opportunities for performing acts of solidarity that reinforce civic pride, national feeling, and remind citizens of the importance of government. The parallel with the functions of the welfare state is interesting to note. The welfare state, too, went through a phase in which its popularity led politicians to compete to increase its generosity and size; and it, too, has been seen both as a demonstration of and means of reinforcing national solidarity. A further parallel is that federal disaster compensation, like the since-abolished cost-sharing arrangements that were used to create a national welfare state, rises automatically as a function of provincial expenditure.

Certain differences between the welfare state and disaster compensation also suggest important changes in the moral contours of contemporary Canadian citizenship. The welfare state has been seen as a means of redistributing income and even to some extent “decommodifying” people, in the sense that viable income-replacement schemes tend to diminish the vulnerability of workers to the dictates of their employers.<sup>95</sup> By contrast, disaster compensation tends to be regressive. Although actual decisions about disaster compensation are made under a confusing array of different provincial programs and often vary from year to year, generally speaking disaster assistance compensates people and businesses for a portion of uninsured losses. In turn, this means that the greater a victim’s original holdings, the greater the compensation, with businesses likely to receive more compensation than individuals, and wealthy individuals likely to receive more compensation than individuals of lesser means. For example, even under the

regime introduced by the social-democratic Parti Quebecois in the 1990s, small and medium-sized business are compensated for 90% of their uninsured losses, and individuals are compensated at 70%, with a \$1,000 deductible and a maximum payout of \$115,000.<sup>96</sup> Despite the latter cap, it is clear that such a regime will benefit businesses more than individuals, and middle-class homeowners more than tenants.

Another important distinction is the means by which welfare-state programs and disaster-compensation regimes express and reinforce feelings of solidarity. The latter do so by transferring resources to particular determinate physical communities in the aftermath of obvious trauma and tragedy. In such cases, the connection between a discrete precipitating event and the blamelessness of the suffering victims tends to be straightforward and clear. By contrast, and as numerous New Right criticisms of social assistance and unemployment insurance make clear, the connections in welfare-state politics between suffering, its cause, and the deserving innocence of the beneficiaries are less than evident to many.

None of this means that disaster compensation is in itself wrong, is poised wholesale to take over functions once filled by the welfare state, or that the welfare state itself is on the verge of disappearance. But it does suggest that disaster compensation may be filling a void left by the welfare state's retreat. Disaster compensation allows politicians, even hardline right-wingers like Mike Harris, and through them, citizens, constituents, and supporters, to display sensitivity towards those in need. Disaster compensation allows citizens to feel part of an old-fashioned community of reciprocity and assistance, helping determinate and deserving others rather than selfishly "bowling

alone.”<sup>97</sup> Disaster compensation demonstrates that the state itself is still a necessary enterprise.

The innocence of the victims seems to be crucial in all of this. Certainly, individual disaster victims may attempt to inflate their losses. Suspicious Westerners may suspect (incorrectly, given the automatic character of Ottawa’s Disaster Financial Assistance Arrangements) that federal disaster schemes favour Quebec.<sup>98</sup> And it may be whispered that some victims of, say, a flood or a forest fire built houses where they ought not to have. But the key moral trigger producing the positive feelings of sensitivity and appropriately offered generosity, which seem to accompany disaster assistance, is the deserving innocence—the sense that it could have “happened to anyone”—of the recipients.

It is not difficult to construct a worrisome future scenario from these observations. The frequency, extent, and cost of disasters are increasing. Other than pensions, the income-replacement dimensions of the welfare state, principally unemployment insurance and social assistance, are seen by many as work disincentives exploited by the shiftless. By contrast, disaster compensation seems almost incapable of attracting critics. The general retreat of the state, set against a generalized backdrop of anomic anonymity, makes the feelings of solidarity that come from helping out tangible, physical, communities at times of genuine need particularly powerful.

The moral contours of Canadian citizenship seem to be shifting. There is some limited evidence to suggest that some of our concerns about social justice are shifting away from broad-based “no fault” welfare-state schemes to encompass discrete, past acts of racist victimization of the sort that generate redress movements. However, it appears

that the country's specific taboos around "special interests" and "identity politics" in the post-Charlottetown era place brakes on the redress phenomenon. Disaster compensation may be a different matter. The "permanent-emergency compensation state" harmonizes with a seemingly widespread desire to find truly innocent and non-controversial targets for our civic compassion; and it affords spectacular, focused, and highly memorable occasions for building and displaying national solidarity. If it ever arrives, it may not be a state with much emotional or fiscal room for the task of building a more equal and less class-ridden society.

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<sup>1</sup> Alan Scott, "Risk Society or Angst Society? Two Views of Risk, Consciousness, and Community," in *The Risk Society and Beyond: Critical Issues for Social Theory*, ed. Barbara Adam, Ulrich Beck, and Joost Van Loon (London: Sage, 2000), 34.

<sup>2</sup> Nancy Fraser, *Justice Interruptus: Reflections on the 'Postsocialist' Condition* (New York: Routledge, 1997).

<sup>3</sup> First published as "From Redistribution to Recognition? Dilemmas of Justice in a 'Postsocialist' Age," *New Left Review* 212 (July/August 1995): 68-93, it appears as chap. 1 of *Justice Interruptus*.

<sup>4</sup> Judith Butler, "Merely Cultural," *New Left Review* 227 (January/February 1998), 33-44; Iris Marion Young, "Unruly Categories: A Critique of Nancy Fraser's Dual Systems Theory," *New Left Review* 222 (March/April 1997): 147-160.

<sup>5</sup> Richard Rorty, "Is 'Cultural Recognition' a Useful Concept for Leftist Politics?," *Critical Horizons* 1:1 (February 2000): 1-20; Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, Mass.: Harvard University Press, 2001).

<sup>6</sup> For example, see Barbara Hobson, ed., *Recognition Struggles and Social Movements: Contested Identities, Agency, and Power* (Cambridge: Cambridge University Press, 2003); Phillippe Van Parijs, ed., *Cultural Diversity versus Economic Solidarity* (Brussels: De Boeck Université, forthcoming); and Miriam Smith, "Resisting and Reinforcing Neoliberalism: Lesbian and Gay Organizing at the Federal and Local Levels in Canada," *Policy and Politics* (forthcoming). My own preliminary attempt is Matt James, "Recognition, Redistribution, and Redress: The Case of the 'Chinese Head Tax'," *Canadian Journal of Political Science* (forthcoming, September 2004). For a call from the standpoint of critical theory for closer attention to the play between the recognition and redistribution aspects present in all struggles over the distribution of power, see James Tully, "Struggles Over Recognition and Distribution," *Constellations* 7:4 (December 2000): 469-482.

<sup>7</sup> For further argument along these lines, see Keith Banting and Will Kymlicka, "Do Multiculturalism Policies Erode the Welfare State?," in *Cultural Diversity versus Economic Solidarity*, ed. Van Parijs; and James, "Recognition, Redistribution, and Redress."

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<sup>8</sup> Judy Fudge and Leah F. Vosko, "Gender Paradoxes and the Rise of Contingent Work: Towards a Transformative Political Economy of the Labour Market," in *Changing Canada: Political Economy as Transformation*, ed. Wallace Clement and Leah F. Vosko (Montreal and Kingston: McGill-Queen's University Press, 2003); Mel Hurtig, *Pay the Rent or Feed the Kids: The Tragedy and Disgrace of Poverty in Canada* (Toronto: McClelland and Stewart, 1999); Andrew F. Johnson and Andrew Stritch, ed., *Canadian Public Policy: Globalization and Political Parties* (Toronto: Copp Clark, 1997); and Stephen McBride and John Shields, *Dismantling a Nation: The Transition to Corporate Rule in Canada* (Halifax: Fernwood, 1997).

<sup>9</sup> Leslie A. Pal, *Beyond Policy Analysis: Public Issue Management in Turbulent Times* (Scarborough, Ont.: Nelson, 2001), 324.

<sup>10</sup>

<sup>11</sup> On reparations politics as a species of recognition politics, see James, "Recognition, Redistribution, and Redress."

<sup>12</sup> Matt James, "Redress Politics and Canadian Citizenship," in *The State of the Federation 1998/99: How Canadians Connect*, ed. Tom McIntosh and Harvey Lazar (Montreal and Kingston: McGill-Queen's University Press, 1999).

<sup>13</sup> John Torpey, "Reparations Politics in Southern Africa," paper presented at the Annual Meeting of the Social Science History Association, Baltimore, November 2003.

<sup>14</sup> John Torpey, "'Making Whole What Has Been Smashed': Reflections on Reparations," *Journal of Modern History* 73:2 (June 2001): 338-358.

<sup>15</sup> The definition identifies the forms of reparations as "restitution, compensation, rehabilitation, and satisfaction and guarantees of non-repetition," M. Cherif Bassiouni, "The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms," United Nations, Commission on Human Rights, 56th Session, E/CN.4/2000/62, January 18, 2000, 10. Cited in Rhoda E. Howard-Hassmann, "Getting to Reparations: Jews, Japanese-Americans, African-Americans, Africans" (unpublished paper in progress, 2004).

<sup>16</sup> Accessed 5 May 2004.

<sup>17</sup> Alan Cairns, "Coming to Terms with the Past," in *Politics and the Past: On Repairing Historical Injustices*, ed. John Torpey (Lanham, MD: Rowman and Littlefield, 2003); Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: Norton, 2000), xvii. Also see Erna Paris, *Long Shadows: Truth, Lies, and History* (Toronto: Alfred A. Knopf, 2000).

<sup>18</sup> See esp. Torpey, "Making Whole What Has Been Smashed," and Charles S. Maier, "A Surfeit of Memory? Reflections on History, Melancholy, and Denial," *History and Memory* 5:2 (Fall/Winter 1993): 136-152.

<sup>19</sup> Brandon Hamber, "'Ere Their Story Die': Truth, Justice, and Reconciliation in South Africa," *Race and Class* 44:1 (July-September 2002): 61-79; Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001); and Martha Minow, *Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence* (Boston: Beacon Press, 1998).

<sup>20</sup> Michael Cunningham, "Saying Sorry: The Politics of Apology," *Political Quarterly* 70:3 (July-September 1999), 285-293; Roger Daniels, "An Age of Apology?," Distinguished Speakers Series in Political Geography No. 7, Royal Military College of Canada (2003); Mark Gibney and Erik Roxstrom,

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“The Status of State Apologies,” *Human Rights Quarterly* 23 (2001): 911-939; Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford University Press, 1991).

<sup>21</sup> See, respectively, Howard-Hassmann, “Getting to Reparations”; Franca Iacovetta and Robert Ventresca, “Redress, Collective Memory, and the Politics of History,” in *Enemies Within: Italian and Other Internees in Canada and Abroad*, ed. Franca Iacovetta, Roberto Perin, and Angelo Principe (Toronto: University of Toronto Press, 2000); and Lily Cho, “Rereading Chinese Head Tax Racism: Redress, Stereotype, and Antiracist Critical Practice,” *Essays on Canadian Writing* 75 (Winter): 62-84.

<sup>22</sup> The popular literature is a different matter: see many of the newspaper editorials collected in *Righting an Injustice: The Debate Over Redress for Canada’s First Internment Operations*, ed. Lubomyr Luciuk (Toronto: The Justinian Press, 1994).

<sup>23</sup> John Torpey, “Legalism and its Discontents: The Case of American Blacks,” in *The Limits of Law*, ed. Austin Sarat et al. (forthcoming); Jeremy Webber, “Rights and Wrongs, Institutions and Time: Species of Historic Injustice and Their Modes of Redress,” in *Calling Power to Account: Law’s Response to Past Injustice*, ed. David Dyzenhaus and Mayo Moran (Toronto: University of Toronto Press, forthcoming).

<sup>24</sup> Catherine Lu, “Delivering the Goods and the Good: Repairing Moral Wrongs,” in *Calling Power to Account*, ed. Dyzenhaus and Moran; Richard Vernon, “Against Restitution,” *Political Studies* 51 (2003): 542-557; and Jeremy Waldron, “Redressing Historic Injustice,” *University of Toronto Law Journal* 52 (2002): 135-160.

<sup>25</sup> Janna Thompson, *Taking Responsibility for the Past: Reparation and Historical Injustice* (Cambridge: Polity Press, 2002); Kok-Chor Tan, “Colonialism, Reparations, and Global Justice,” paper presented at “Reparations: An Interdisciplinary Examination of Some Philosophical Issues,” Department of Philosophy, Queen’s University, 8 February 2004. Cf. Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), chap. 1, “Displacing the Distributive Paradigm.”

<sup>26</sup> For more on these cases, see Barkan, *Guilt of Nations*; Roy L. Brooks, ed., *When Sorry Isn’t Enough: The Controversy over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999); and John Torpey, “Introduction: Politics and the Past,” in *Politics and the Past*, ed. Torpey.

<sup>27</sup> See Barkan, *Guilt of Nations*, chap. 12, “Reparations for Slavery: Opportunity or Fantasy”; and Randall Robinson, *The Debt: What America Owes to Blacks* (New York: Dutton, 2000).

<sup>28</sup> See Stef Vandeginste, “Victims of Genocide, Crimes Against Humanity, and War Crimes in Rwanda: The Legal and Institutional Framework of Their Right to Reparation,” and Sharon F. Lean, “Is Truth Enough? Reparations and Reconciliation in Latin America,” both in Torpey, ed., *Politics and the Past*.

<sup>29</sup> On Aboriginal claims in the United States, Australia, and New Zealand, see the chapters in Barkan, *Guilt of Nations*, Part II, “Colonialism and Its Aftermath.” On the claims arising from residential schools in Canada, see Rhonda Claes and Deborah Clifton, “Needs and Expectations for Redress of Victims of Abuse at Native Residential Schools,” paper prepared for the Law Reform Commission of Canada, available at [http://collection.nlc-bnc.ca/100/200/301/lcc-cdc/needs\\_expectations\\_redres-e/pdf/sage-e.pdf](http://collection.nlc-bnc.ca/100/200/301/lcc-cdc/needs_expectations_redres-e/pdf/sage-e.pdf) (accessed November 18, 2003); and Matt James, “Being Stigmatized and Being Sorry: Past Injustices and Contemporary Citizenship,” in *A Passion for Identity: Canadian Studies in the 21st Century*, ed. David Taras and Beverly Rasporich (Scarborough, Ont.: Nelson, 2001).

<sup>30</sup> Ronald Beiner and Wayne Norman, “Introduction,” *Canadian Political Philosophy: Contemporary Reflections*, ed. Ronald Beiner and Wayne Norman (Don Mills, Ont.: Oxford University Press, 2001), 3.

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<sup>31</sup> See the references to Canadian political science and political philosophy in Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, Mass.: Harvard University Press, 2001).

<sup>32</sup> Alan C. Cairns, "Author's Introduction: Whose Side is the Past On?", in his *Reconfigurations: Canadian Citizenship and Constitutional Change*, ed. Douglas E. Williams (Toronto: McClelland and Stewart, 1995), 28.

<sup>33</sup> *Ibid.*, 22. On officializing symbols, see Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge: Cambridge University Press, 1977), chap. 4, "Structures, Habitus, Power: Basis for a Theory of Symbolic Power."

<sup>34</sup> Chinese Canadian National Council, *It is Only Fair! Redress for the Head Tax and Chinese Exclusion Act* (Toronto: Chinese Canadian National Council, 1988).

<sup>35</sup> See National Japanese-Canadian Citizens' Association, Presentation to the Special Senate Committee on Human Rights and Fundamental Freedoms, *Minutes of Proceedings and Evidence*, No. 8, 10 May 1950; National Association of Japanese Canadians, Presentation to the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada, *Minutes of Proceedings and Evidence*, No. 13, 26 November 1980; and Ukrainian Canadian Committee, Presentation to the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada, *Minutes of Proceedings and Evidence*, No. 14, 27 November 1980.

<sup>36</sup> "Hefty price tag delays settlements," *Calgary Herald*, 1 June 1993, A12.

<sup>37</sup> See James, "Recognition, Redistribution, and Redress."

<sup>38</sup> Ministry of Canadian Heritage News Release, "Sheila Finestone Tables and Sends Letter on Redress to Ethnocultural Organizations," 14 December 1994.

<sup>39</sup> Jeffrey Simpson, "Compensation queue," *The Globe and Mail* (Toronto), 27 September 1988, reprinted in *Righting an Injustice*, ed. Luciuk. The \$376,908,000 figure is from Canada, Department of Canadian Heritage, "Final Report on the Implementation of the Japanese Canadian Redress Agreement, 1988," November 1997 (on file with author). The Agreement is reprinted in Arthur K. Miki, *The Japanese Canadian Redress Legacy: A Community Revitalized* (Winnipeg: National Association of Japanese Canadians, 2003). It is analyzed in Audrey Kobayashi, "The Japanese-Canadian Redress Settlement and its Implications for 'Race Relations'," *Canadian Ethnic Studies* 24:1 (1992): 1-19.

<sup>40</sup> Iacovetta and Ventresca, "Redress, Collective Memory, and the Politics of History," in *Enemies Within*, ed. Iacovetta et al., 383. Mentioning the case of Japanese Canadians, Trudeau first introduced the "just in our time" theme while defending the White Paper on Indian Policy in 1969. See Sally Weaver, *Making Canadian Indian Policy* (Toronto: University of Toronto Press, 1981), 179.

<sup>41</sup> Iacovetta and Ventresca suggest that this was the case with respect to Mulroney's 1990 apology to the National Congress of Italian Canadians for the wartime internment, "Redress, Collective Memory," 383. On the ethnic-minority opposition to Meech, see idem, *Misrecognized Materialists: Social Movements in Canadian Constitutional Politics, 1938-1992* (Vancouver: University of British Columbia Press, forthcoming 2005), chap. 6, "From Meech Lake to Charlottetown: Recognition, Power, and Visions of Political Community."

<sup>42</sup> On *Mack v. Attorney General of Canada*, see Mayo and Dyzenhaus, ed. *Calling Power to Account*.

<sup>43</sup> Department of Indian and Northern Affairs News Release, "High Arctic Relocation Reconciled," 28 March 1996. Also see James, "Being Stigmatized and Being Sorry," 57.

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<sup>44</sup> For more information, see *ibid.*, 64-68.

<sup>45</sup> Canada, Royal Commission on Aboriginal Peoples, *The High Arctic Relocation: A Report on the 1953-55 Relocation* (Ottawa: Minister of Supply and Services, 1994), 163-164; *idem*, *Looking Forward, Looking Back*, Vol. 1 of the Report of the Royal Commission on Aboriginal Peoples, chap. 10, "Residential Schools," Recommendations, 1.10.1, [http://www.ainc-inac.gc.ca/2002-templates/ssi/print\\_e.asp](http://www.ainc-inac.gc.ca/2002-templates/ssi/print_e.asp) (accessed 13 May 2004).

<sup>46</sup> Harvey Lazar, "Non-Constitutional Renewal: Toward a New Equilibrium in the Federation," in *Canada: The State of the Federation 1997—Non-Constitutional Renewal*, ed. Harvey Lazar (Kingston, Ont.: Queen's University Institute of Intergovernmental Relations, 1998), 28, 4, 9.

<sup>47</sup> See AFN Residential Schools Unit Update, at [http://www.afn.ca/Assembly\\_of\\_First\\_Nations.htm](http://www.afn.ca/Assembly_of_First_Nations.htm) (accessed 22 May 2004).

<sup>48</sup> See "Negotiations Update," Office of Indian Residential Schools Resolution Canada, at [www.irsr-rqpa.gc.ca/English/information\\_sheets.html](http://www.irsr-rqpa.gc.ca/English/information_sheets.html) (accessed 10 June 2003).

<sup>49</sup> See "The unfinished business of the Chinese head tax," *The Globe and Mail*, 13 July 2001, A14; and Chinese Canadian National Council, "Chinese Head Tax and Exclusion Act Redress Backgrounder," at <http://www.ccnc.ca/currentIssues/Redress-Backgrounder.doc> (accessed 22 May 2004).

<sup>50</sup> See "Acadia Forever!," Notes for an Address by the Honourable Stéphane Dion, President of the Privy Council and Minister of Intergovernmental Affairs, Delivered on the Occasion of the Royal Proclamation Recognizing the Acadian Deportation, 10 December 2003, at [http://www.pco-bcp.gc.ca/aia/default.asp?Language=E&Page=PressRoom&Sub=Speeches&Doc=20031210\\_e.htm](http://www.pco-bcp.gc.ca/aia/default.asp?Language=E&Page=PressRoom&Sub=Speeches&Doc=20031210_e.htm) (accessed 11 May 2004); and Canada, Department of Canadian Heritage News Release, "Minister Coppins Announces a Day of Commemoration of the Great Upheaval," [http://www.canadianheritage.gc.ca/newsroom/news\\_e.cfm?Action=Display&code=3N0412E](http://www.canadianheritage.gc.ca/newsroom/news_e.cfm?Action=Display&code=3N0412E) (accessed 11 May 2004).

<sup>51</sup> Randy Boswell, "Acadians to finally receive apology for deportations," *The Vancouver Sun* [get date and page].

<sup>52</sup> United Nations Commission on Human Rights, Report by Mr. Doudou Diène, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance: Mission to Canada, 60<sup>th</sup> Session, E/CN.4/2004/18/Add.2, 1 March 2004.

<sup>53</sup> Shaune MacKinlay, "City won't attend Africville meeting," *Daily News* (Halifax), 1 May 2004, 8.

<sup>54</sup> Brandon Hamber, "Reparations as Symbol: Narratives of Resistance, Reticence and Possibility in South Africa," paper presented at "Reparations: An Interdisciplinary Examination of Some Philosophical Issues," Department of Philosophy, Queen's University, 8 February 2004. A similar criticism of Canada's approach to matters of historical redress is raised in Yasmeen Abu-Laban, "The Future and the Legacy: Globalization and the Canadian Settler-State," *Journal of Canadian Studies* 35:4 (Winter 2001): 262-276.

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<sup>56</sup> Pierre Bourdieu, "The Left Hand and the Right Hand of the State," *Acts of Resistance: Against the Tyranny of the Market*, trans. Richard Nice (New York: The New Press, 1998).

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<sup>57</sup> For example, see Steven Epstein, "Gay Politics, Ethnic Identity: The Limits of Social Constructionism," *Socialist Review* 17 (May-August 1987): 9-54.

<sup>58</sup> Xiaobei Chen, "The Birth of the Child-Victim Citizen." In *Reinventing Canada: Politics of the 21<sup>st</sup> Century*, ed. Janine Brodie and Linda Trimble (Toronto: Prentice-Hall, 2003), 190. On the English case, see Alexandra Dobrowolsky, "Rhetoric versus Reality: The Figure of the Child and New Labour's Strategic 'Social Investment State'," *Studies in Political Economy* 69 (Autumn 2002): 43-73.

<sup>59</sup> Mohammed Dore and David Etkin, "The Importance of Measuring the Social Costs of Natural Disasters at a Time of Climate Change," *Australian Journal of Emergency Management* 15:3 (2000): 46-51; Canada, Office of Critical Infrastructure Protection and Emergency Preparedness, "Threats to Canada's Physical Infrastructure," Threat Analysis No. TA03-001, 12 March 2003, at [http://www.ociepc.gc.ca/opsprods/other/TA03-001\\_e.asp](http://www.ociepc.gc.ca/opsprods/other/TA03-001_e.asp) (accessed 23 March 2003).

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<sup>64</sup> Howard-Hassmann, "Getting to Reparations."

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<sup>67</sup> Disaster Financial Assistance Arrangements, Yearly Payments, prepared for the author by Dianne Borg, Office of Critical Infrastructure Protection and Emergency Preparedness, 8 December 2003.

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