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[Thompson, Andrew S. In defence of principles: NGOs and human rights in Canada]

The Central European journal of Canadian studies. 2014, vol. 9, iss. [1], pp. 147-150

ISBN 978-80-210-7732-4

ISSN 1213-7715 (print); ISSN 2336-4556 (online)

Stable URL (handle): <https://hdl.handle.net/11222.digilib/134389>

Access Date: 29. 11. 2024

Version: 20220831

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In Defence of Principles: NGOs and Human Rights in Canada

Andrew S. Thompson

Vancouver: University of British Columbia Press, 224 pp., ISBN: 9780774818629

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“[T]here is nothing inevitable about the adoption and protection of human rights, even in a liberal parliamentary democracy such as Canada” (118). These words, part of Andrew S. Thompson’s concluding remarks for *In Defence of Principles: NGOs and Human Rights in Canada*, are as equally unsettling as the evidence presented in this account of the transitory process of human rights in Canada from idea to law. This critical study of what scholars in Canada have recently referred to as the “age of rights” or “rights revolution” is an inadvertent product of the author’s work with Amnesty International (AI) Canada. Thompson worked with the organization from 1999 to 2000. He accrued a great deal of insight into how a non-governmental organization (NGO) engages with the practical (particularly legal) aspects of human rights and combined this together with his intention to analyse the influence of several human rights organizations.

Thompson’s service with AI Canada and work on his book merges with the profound events of September 11, 2001 (9/11) (the al-Qaeda attacks on the United States [US]). The events of 9/11 ushered in an immense wave of anti-terrorism policy (predominantly from and within the US). It brought with it no short measure of infringement on liberal democratic rights and freedoms known by millions of people in North America and abroad. What has been perceived as undemocratic policy and measures conflicted with a long tradition of the rule of law, its judiciary practice, and rich civil society in North America.

Taking these events as the starting point for his book, Thompson developed three pillars of inquiry that inform his overall framework. First, he considers the roles of principled ideas governing rights. Second, he engages with non-governmental organizations (NGOs) (or public interests groups) that help defend and strengthen principle-based ideas. Third, he takes a close look at state institutions that administrate according to the value of the rights and principle-based ideas and applies them to real-life circumstances. Thompson then connects these pillars with three case studies. His



aim is to chart “the emergence, advancement, and defence of a particular standard of behaviour” (8-9). Within these case studies, readers are exposed to an examination of four primary and public interest groups: (1) the Canadian Council of Churches [CCC], (2) the Canadian Jewish Congress [CJC], (3) the Canadian Civil Liberties Association [CCLA], and (4) AI Canada. He refers to all of these as both influential and “principled” with the aim of illustrating struggles intrinsically linked with seeing the promises and ideals of the so-called “age of rights” effected (9).

Thompson’s framework, methodological approach, and case selection reflect an interdisciplinary approach to the subject matter. His work includes the use of sociological, historical, legal, and political science analyses. The initial position taken in his work is a sub-set of political science (International Relations (IR) theory). Thompson briefly deconstructs some of the mainstream IR approaches – such as realism and liberalism – within the context of human rights. Doing so allows him to bring attention to the constructivist school of thought. This theoretical (or ontological) approach is concerned with identity and approaches, sets of ideas, values, norms, the way actors interact, the practices that occur as a result of interaction, and how idea formation and their use affects the world. In doing so, Thompson highlights the importance of the “power of principle” and the battleground of ideas, which he describes as the “cumulative process by which norms about appropriate conduct are formed, debated, contested, and, in some cases, accepted” (10). Like some prominent constructivist IR and norms scholars (i.e., Martha Finnemore, Kathryn Sikkink, Ted Hopf, and Thomas Risse), Thompson establishes a suitable analytical environment for the study of “human rights,” “social expectations,” “principled commitments,” and “appropriate responses.” Arranged in such a way, Thompson’s work is able to take place within important historical, cultural, political, and social conditions and contexts.

The chronological arrangement of the study is done through three concise but very engaging chapters. Each chapter is an exploration of a trial that can be taken as part of a sequence of events or read independently. Accordingly, readers have the opportunity to engage with the subject matter at various points without finding the actual layout of the work imposing. In Chapter 1, Thompson looks at the CCC and how the organization sought to secure norms relating to the rights of refugees. It depicts a history of the group, its actions as regards the law, and its interaction with the Supreme Court of Canada. The *Charter*, the *Immigration Act*, and the Federation of Canadian Sikh Societies (FCSS) are seminal parts of the story and of Thompson’s analysis for the relationship with rights-based principles and judicial processes. Chapter 2 is concerned with the emergence of norms with respect to the protection of minorities considered vulnerable within Canadian society. A critical investigation of the 1970 hate propaganda law concerning both the CJC and the CCLA establishes a combative point of connection with the principle of freedom of expression. The *Criminal Code of*



Canada and sections of the Constitution undergirds the case depicting the contentious nature of the law. Chapter 3 places readers at the centre of Thompson's personal experience as a former-media officer with AI. Tracing Canada's history as an abolitionist country since the 1960s, the tumultuous process of implementation and repeal is brought to the fore. Canada's 1976 extradition treaty with the US and the *Charter of Rights and Freedoms* form the backdrop of a fundamental issue: "how liberal states respond when confronted by those who pose a direct threat to their society and [if they] warrant infringing upon an individual's rights to security and life in order to protect the public" (14).

An important aspect of this book is how it confronts the often inaccurate perception that just because human rights retain a strong ethical character they are consequently spoken of in absolute terms. Thompson argues against this idea. The claim is made that when the principles of human rights are put to the test whereby "moral ambiguity and tremendous material considerations" come into play, "even respect for claims considered to encompass fundamental or 'first order' rights is far from assured" (x). Rather than dismissing Canada's human rights "revolution," Thompson's argument in all three chapters hones readers' attention in on the resilience invested in the ideas that define the very nature of government interaction with and treatment of its citizenry. A wealth of material informs the presentations made throughout. Further, information gained from archival collections has undoubtedly contributed in no small part to this book. In accessing Library and Archives Canada, Bill Domm, B'nai B'rith Canada, Canadian Civil Liberties Union, and the Department of Citizenship and Immigration, among others, Thompson cites nearly 40 cases. These include *Ahani v. Canada* and *Baker v. Canada*, both of which are watersheds in the realms of constitutional and administrative law. Both also address procedural fairness in practice within the context of national security. Over 20 Canadian government bills and treaties contribute further to the book, in addition to many Canadian government documents and documents in international law (including United Nations [UN] and Organization of American States [AOS] documents). Beyond exploring numerous secondary sources from multiple disciplines, Thompson also conducted numerous interviews and undertook research in over 20 highly-read and recognized newspapers and periodicals.

The book is very well organized and accessible. Thompson reviews previously established points of views of authors in other fields. Although he engages with IR theory, Thompson unfortunately creates the illusion of having refuted certain IR positions relating loosely to the topic. This, however, should not be taken as a crucial mistake as the aim is not to engage extensively with the IR domain; nor does this seeming refutation invalidate any of his observations or arguments. Having only briefly looked at constructivism, Thompson might be cautious to delve into this area without a com-



mitment to a thorough engagement of the ontology and how it might fit throughout the book. By not doing so, Thompson might easily come across as a somewhat disinterested observer of constructivism (which prefigures quite significantly given the subject matter of the book) and of IR theory more generally.

Given the many ongoing challenges facing liberal democracies today, let alone in the aftermath of the 9/11 events and the injurious response by the UN in the “War on Terror” (WoT), it is everywhere evident that Thompson brings an important contribution to the fields of freedom, security, and rights of individuals by razing barriers between scholarly domains. He brings them to bear on the evolution of human rights in order to cast an analytical prism on his cases and does so in a praiseworthy fashion. Readers should therefore be able to see the strengths and weaknesses of ideas, rights, and the idea of rights as they pertain to governance and citizenship in liberal democracies. They may also do so from multiple points of view. This, in and of itself, stands as a nice contribution for highlighting scholarship’s oversight of fruitful interdisciplinary practices, especially when operating within the domain of law.

Thompson’s book is unquestionably an academic text. The work, however, is much more than this. It stands as a combination of diverse factors and interests that have helped bring about a highly readable and resounding addition to what is currently understood about the evolution of human rights in Canada and beyond its national borders. Despite the minimal weaknesses mentioned above, Thompson has produced an exemplary account of issues that affect the daily lives of Canadian’s and peoples living within liberal democracies elsewhere. Stemming from the main cases are perplexing questions about power structures and power struggles within society that irrefutably affect and are affected, but not exclusively, by prevailing arrangements of rights and/or discrimination. This work requires no prior knowledge of a particular field of research. A broad readership is for that reason able to gain valuable insight into very intense and formative qualitative measurement discussions that are often ambivalent and inconsistent.