

# Law and Justice on The Small Screen

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# Bordering on Identity: How English Canadian Television Differentiates American and Canadian Styles of Justice

UMMNI KHAN

Canadians are forever taking the national pulse like doctors at a sickbed: the aim is not to see whether the patient will live well, but simply whether he will live at all.<sup>1</sup>

But surely the search for the fabled Canadian identity is like a dog chasing its own tail. Round about and round about it goes, with the tail whisking out of sight; whereupon it proclaims the tail elusive, fragile, threatened, or absent. And yet, as everyone can plainly see, there is the tail as firmly attached to the dog as ever...<sup>2</sup>

## I. Introduction

While the boundary between Canada and the United States has rhetorically been dubbed ‘the longest undefended border in the world’, Canadian narratives have vigorously sought to defend the border in symbolic terms. In 1972, Margaret Atwood suggested this nationalist project to withstand American cultural hegemony reflected the recurring theme of *survival* in Canadian fiction.<sup>3</sup> Similarly, theorists of Canadian television have found that discerning Canadian identity, separate from that of its southern neighbour, is a frequent (and anxious) theme in its programming.<sup>4</sup>

This chapter examines this symbolic border-defending through a discursive analysis of two successful English Canadian television shows, *Due South* and *The Border*, with

<sup>1</sup> M Atwood, *Survival: A Thematic Guide to Canadian Literature* (Toronto, Anansi, 1972) 41–42.

<sup>2</sup> M Atwood, *Strange Things* (Oxford, Clarendon Press, 1995) 8.

<sup>3</sup> Atwood, *Survival* (n 1).

<sup>4</sup> B Beaty and R Sullivan, *Canadian Television Today: OplPosition: Issues and Ideas Series; no. 1.* (Calgary, University of Calgary Press, 2006) 13.

particular emphasis on the ways in which they differentiate Canadian and American styles of justice. Although the shows represent different genres, occupy different settings, and take place in different time periods, both articulate Canadian national pride in terms of law enforcement. Both plots devote a substantial amount of time dramatising the tension, and often the conflict, between Canadian and American approaches to justice. While the Canadian approach is usually vindicated in the storyline, both shows also offer the promise of productive collaboration between the nations.

In the 1990s show *Due South*, this fraught collaboration is comically portrayed when an upstanding Royal Canadian Mounted Police (RCMP) member teams up with a cynical American cop to solve crimes in Chicago. Debuting in 2008, *The Border* takes Toronto as its setting, and the outsider is Bianca LaGarda (Sofia Milos), a brash American agent sent by the United States Department of Homeland Security (Homeland Security) to represent its interests on Canadian soil. Both shows feature a *fish-out-of-water*, albeit two very different kinds of fish. The Canadian fish is hyperbolically polite in the midst of American obnoxiousness, while the American fish is hyperbolically pugnacious in the midst of Canadian diplomacy. Other important distinguishing features of Canadian law enforcement officers in these programmes include their intelligence, temperance, tolerance, heroism, connection to nature, Aboriginal ties, and commitment to the rule of law. While these values and characteristics often aggrandise Canadian law enforcement characters, the shows also suggest that *sometimes* Canadians must rely on American strong-arm tactics to secure justice. Indeed, the last season of *The Border* finds the two national security agencies in sync as they battle inside corruption and cross-border criminality.

An examination of national approaches to justice in *Due South* and *The Border* positions English Canadian popular television as an artefact of the Canadian imaginary.<sup>5</sup> In Canada, both cultural critics and government commissions have identified television as a principal stage upon which Canadians perform and solidify their national identity in opposition to American culture.<sup>6</sup> Yet, despite a regulated broadcasting infrastructure that subsidises Canadian products and imposes Canadian content quotas, most Canadian television viewers watch American shows most of the time.<sup>7</sup> As exceptions to this dominant trend, the relatively successful runs of *Due South* and *The Border* are significant because their narratives are both reflective of nationalist fantasies, and productive of the social order. As John Fiske points out, 'Television-as-culture is a crucial part of the social dynamics by which the social structure maintains itself in a constant process of production and reproduction: meanings, popular pleasures, and their circulation are therefore part and parcel of this social structure'.<sup>8</sup> This theoretical and methodological approach seeks to understand these televised cultural articulations as strategies that engage politics, generate identity, manage anxiety, and

<sup>5</sup> Throughout the rest of the chapter, when I refer to Canadian television or the Canadian imaginary, I am specifically addressing English Canadian culture.

<sup>6</sup> B Feldthusen, 'Awakening from the National Broadcast Dream: Rethinking Television Regulation for National Cultural Goals' in DH Flaherty and FE Manning (eds), *The Beaver Bites Back? American Popular Culture in Canada* (Montreal, McGill-Queens University Press, 1993) 42.

<sup>7</sup> Z Druick and A Kotsopoulos (eds), *Programming Reality: Perspectives on English Canadian Television* (Waterloo, Wilfred Laurier University Press, 2008) 1–2.

<sup>8</sup> J Fiske, *Television Culture* 2nd edn (New York, Routledge, 2010) 1.

harness pleasure. As this is a two-part study, my analysis elucidates the ways the social dynamics and ideological stakes have shifted from the 1990s to the 2000s in the production of difference between Canadian and American styles of justice.

This chapter will thus explore Canadian characterisations and how they differentiate from their American counterparts, beginning with *Due South* and then turning to *The Border*. As will become evident, the events of September 11th serve as a significant landmark that divides the imaginaries of the two shows. I argue that a comparison of the televised shift from ‘self-othering’ a Canadian against an American backdrop in *Due South*, to ‘othering’ an American against a Canadian backdrop in *The Border*, reflects both the political climate of the day, and a strengthening sense of self in the Canadian imaginary. Amidst America’s ‘war on terror’, and in relation to international protest against American foreign policy, many episodes of *The Border* depict Canada as a mature and progressive nation that strikes a better balance between security and rights. No longer needing to just *survive*, Canadian policing identity appears robust and confident.

*The Border* shifts perspective in the last half of its run, however. A review of the latter episodes indicates that Canadian identity ceases to hinge on distinguishing Canadian and American law enforcement. Instead, the show shifts to emphasise binational compatibility between security officers on both sides of the border, allied against two other groups: terrorists and politicians. Terrorists, usually racialised and often Muslim, are portrayed as self-absorbed fanatics out to murder innocent Westerners. Interestingly, the security officers’ other adversaries are much closer to home. Canadian and American politicians and their aides are often portrayed as elitist, morally questionable and concerned solely with staying in power. These grandstanders and bureaucrats do not prioritise security and human rights, particularly for non-citizens and/or racialised people. *The Border* thus capitalises on the entertainment value of vilifying racialised and ethnicised people, while still portraying its law enforcement protagonists in contradistinction to racist politicians.

This examination of the parameters of Canadian identity in crime shows demonstrates that *survival* does not depend on being the fittest, but rather the most flexible. The Canadian approach to justice in the popular imagination reflects the ways Canadian national identity must be flexible enough to sometimes stand in opposition to American styles of justice, and sometimes in alliance when going up against Other maligned subjectivities.

## II. Due South

Benton Fraser, Constable for the Royal Canadian Mounted Police: ‘If you treat people with respect more often than not they’ll respond accordingly.’

Ray Vecchio, detective for the Chicago police department: ‘You know at a certain point, you gotta stop calling yourself a cop.’

*Due South* originated as a made-for-TV movie in 1994, co-produced by CTV in Canada and CBS in the United States. Because of its high ratings, the networks developed the story into a weekly comedy-action series. Despite a number of cancellations

and renewals, it became one of the most successful Canadian television shows ever aired.<sup>9</sup> It ran for four seasons from 1994 to 1998, was broadcast locally and internationally, and continues to be re-run to this day.<sup>10</sup> It has attracted a loyal following from all over the world, with a fan convention having been held as recently as 2010—a full 12 years after the final episode aired.<sup>11</sup> In the context of a struggling Canadian television culture where, despite government protectionist policies, English Canadian audiences usually prefer American shows over domestic programming, *Due South* stands out for its fan culture, longevity and success.<sup>12</sup> Some critics have hypothesised that it might be the greatest Canadian television show of all time.<sup>13</sup> In the following analysis, I aim to deconstruct *Due South* in order to explore how this exceptional televised success story signifies and produces the Canadian imaginary.

Perhaps one reason for *Due South's* popularity could be its lampooning of national stereotypes.<sup>14</sup> Set in Chicago, *Due South* features a Canadian and American buddy-cop team whose contrasting methods of law enforcement heighten both the action and the comedy of the show. Constable Benton Fraser (Paul Gross) is a courteous Mountie who works as liaison officer with the Canadian consulate in Chicago, but spends most of his time with his local friend, Detective Ray Vecchio (David Marciano), a tough-as-nails misanthropic cop. Together they solve mysteries, apprehend criminals and improve public safety. But make no mistake, most of the time it is Fraser who carries the day. As Reid Gilbert points out, in the Canadian imaginary, 'Mounties remain both a central icon of Canadian pride and a source of common Canadian humour'.<sup>15</sup> In *Due South*, the show portrays Fraser's saintly outlook and superhuman skills both smugly and facetiously.

### A. The Canadian Superhero

The show likens Fraser to a superhero, both literally and symbolically. In the episode 'Witness', a cop refers to Fraser as 'Spiderman' after he scales the side of a building to examine evidence. In the later episode, 'Dead Men Don't Throw Rice', a detective from the police station exclaims, 'Fraser's like Superman; he can't die'. After witnessing Fraser's extraordinary policing skills for four years, the Mountie has attained mythic status in the eyes of his American colleagues. Fan culture also designates Fraser as larger than life, as attested by his listing in the 'International Catalogue of Superheroes'.<sup>16</sup>

<sup>9</sup> J McKay, 'Mountie Always Gets his Renewal: Dollars from Europe Rescue *Due South*' (1997) *Edmonton Journal* section B7, [www.westlaw.com.proxy.library.carleton.ca](http://www.westlaw.com.proxy.library.carleton.ca), cited in MA Tate and V Allen 'Integrating Distinctively Canadian Elements into Television Drama: A Formula for Success or Failure?: The *Due South* Experience' (2003) *Canadian Journal of Communication* 28, 1, 72–73.

<sup>10</sup> A Strachan, 'Summer Silliness Scales New Heights in Downfall' *The Montreal Gazette*, 22 June 2010), [www.montrealgazette.com/life/Summer+silliness+scales+heights+Downfall/3185036/story.html](http://www.montrealgazette.com/life/Summer+silliness+scales+heights+Downfall/3185036/story.html).

<sup>11</sup> The Original Convention for Fans of *Due South* (Toronto, Canada 2010), [www.rcw139.org/](http://www.rcw139.org/).

<sup>12</sup> Tate and Allen 'Integrating Distinctively Canadian Elements into Television Drama' (n 9).



<sup>13</sup> 'VisionTV Adds Classic Canadian Series *Due South* to Lineup' (CHANNEL CANADA, Canada's Entertainment and Broadcasting Information, 9 June 2010), [www.channelcanada.com/Article4652.html](http://www.channelcanada.com/Article4652.html).

<sup>14</sup> Tate and Allen 'Integrating Distinctively Canadian Elements into Television Drama' (n 9) 77.

<sup>15</sup> R Gilbert, 'Mounties, Muggings, and Moose: Canadian Icons in a Landscape of American Violence' in DH Flaherty and FE Manning (eds), *The Beaver Bites Back?: American Popular Culture in Canada* (Montreal, McGill-Queen's University Press, 1993) 187.

<sup>16</sup> International Catalogue of Superheroes, [www.internationalhero.co.uk/b/benny.htm](http://www.internationalhero.co.uk/b/benny.htm).

Like many superheroes, Fraser signals his exceptional status through a flamboyant outfit. Most often, he wears the iconic RCMP uniform, composed of a red serge tunic and accented with riding breeches, boots and a Stetson hat. While the red of his outfit could be reminiscent of the red in Superman's cape, more significantly, the outfit seems to endow him with superhuman skill, strength and resilience. When Fraser is dressed in official RCMP gear, he can leap between tall buildings or float to the ground with a parachute fashioned out of a cape-like tarp, as seen in the episode 'Perfect Strangers'.

	
<p>Fraser leaping between buildings in pursuit of a suspect.<sup>17</sup></p>	<p>Fraser floating to the ground with a makeshift parachute.<sup>18</sup></p>

Fraser's uniform also signifies his communitarian outlook. By wearing a standard uniform, even when he is not working in his official capacity as an RCMP officer, Fraser performs his deference to authority and conveys a collective sense of self. Vecchio and Kowalski choose informal apparel, which suggests a more individualistic sense of self and a rebellious attitude towards authority. And while a number of Canadian critics have mocked the image of the RCMP as 'foppish' and 'sexless', in Fraser's case, his attention to RCMP dress code might better be associated with the gallantry of a gentleman.

Fraser's style of justice, however, goes beyond simple aesthetics. The Mountie's progressive approach to crime fighting reveals his compassion and his community-building skills. While he obviously assists victims of crime, as one would expect of any superhero figure, he reaches out to offenders as well. In 'Free Willie', Fraser befriends and rehabilitates a 13-year-old purse-snatcher who initially threatens him with a gun. In 'Pizza and Promises', Fraser insists to his partner that they must help a young offender to comply with his onerous probation orders. Vecchio responds in disgust: 'There are still a few people in this neighbourhood without a criminal record. Why don't you try helping one of them?' From Vecchio's moral perspective, time should

<sup>17</sup> *Due South*, 'Perfect Strangers' season three (1997–1998).

<sup>18</sup> *Ibid.*

not be wasted helping criminals, even if they become victimised themselves. Fraser, on the other hand, treats criminals with the utmost respect and offers them alternatives to their criminal lifestyles. This reinforces the stereotypes of the United States as 'tough on crime' and Canada as 'soft on crime'. However, virtually every criminal in whom Fraser invests his rehabilitative energy subsequently becomes an upstanding member of society. The normative message of the show is that Fraser's approach is actually *smarter* on crime.

Another way that Fraser occupies a superhero role is through his ability to fight. Like most superheroes, Fraser does not rely on a gun to capture the bad guy. Again, demonstrating his respect for the rules, the Constable refuses to carry or shoot a gun because he is not licensed to do so in the United States. Instead, he disarms suspects through skilful battle, and sometimes with the assistance of his companion, wolf.

In contrast, Ray and Stanley, like ordinary cops, use guns to fight crime. The show explicitly ties this approach to nationality when Ray states in the pilot episode: 'Being an American, I also know where my strength lies, and that's in being as heavily armed as possible.'<sup>19</sup> While this may be less impressive than Fraser's extraordinary combat skills, Fraser often relies on his American partner to back him up or detain a suspect with the threat of a gun. Thus, while the show may perpetuate the stereotype of gun-toting Americans and restrained Canadians, the synergy of both approaches is frequently shown to be the most effective way of ensuring public safety.

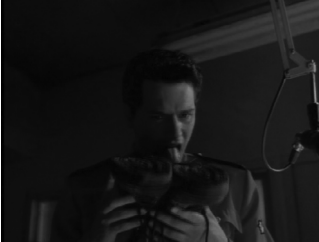
Fraser's unarmed state also has gendered significance. As many film critics have pointed out, the gun often operates as a phallic symbol that reinforces the bearer's masculinity.<sup>20</sup> A cop without a gun is not necessarily emasculated, but he occupies a softer masculinity. But while Fraser's masculinity might be softer, like most superheroes, he is also irresistible to women. His ability to subdue a criminal and save the damsel in distress with his bare hands registers as *more* attractive in the eyes of many heterosexual female characters. This conveys the idea that Canadian justice is not just less violent, but also *sexier* than American justice.

Besides brawn, Fraser also has brains. His keen sense of touch, taste, sight, smell and hearing is exaggerated to the point of magic realism. In addition, Fraser draws upon an encyclopaedic knowledge when interpreting what his senses are registering. In the episode 'Body Language', Vecchio looks on in revulsion as Fraser smells the breath of a rat to determine what it had eaten. Fraser not only identifies barbeque sauce, he ascertains the exact ingredients of the sauce ('tomatoes, vinegar, sugar—both brown and white, mustard, Worcestershire sauce, jalapeño peppers and raw comb honey in a 1 to 4 combination'). After sampling every type of barbecued ribs in the city, Fraser is able to locate the specific restaurant in which the rat had feasted.

<sup>19</sup> *Due South*, pilot episode/made-for-television movie.

<sup>20</sup> Fiske, (n 8) 214.



	
<p>Vecchio looks on in disgust as Fraser smells the breath of a rat to track a suspect.<sup>21</sup></p>	<p>Fraser tasting the bottom of a dead man's shoe to determine where the victim had been.<sup>22</sup></p>

## B. Nature Lover and Aboriginal Insider

Fraser's hands-on, and often tongues-on, approach to detection (see figure above) connects him to nature. This naturalisation of Canadian identity draws on canonical and colonial literary themes in Canadian literature and parodies them in a pop cultural context. In *Due South*, Fraser's ties to nature are rooted in his upbringing in the Northwest Territories and the Yukon where much of his social community and mentorship came from Inuit friends and neighbours. As Katherine L Morrison explains, nature and Aboriginal peoples are imbricated in the Canadian literary imaginary,<sup>23</sup> and this thematic tradition continues in televised narratives. In contrast to his American colleagues who are urbanised and tech savvy, Fraser is indigenised in the narrative, as he draws on Inuit knowledge systems to scrutinise evidence.<sup>24</sup> In 'Hawk and a Handsaw', Fraser states, 'You know, the Inuit have 60 words to describe snow, Ray. One-third of them concern the colour.' Vecchio is often incensed with this cultural frame of reference. In 'An Eye for an Eye', he rants at Fraser:

This is what's wrong with you, Fraser. You see a problem and you have to fix it. You can't even go to the men's room without stopping to tell some simple stupid charmingly witty Inuit story that inspires people to take on the world's social ills.

From this voice of American justice, we hear cynicism, sarcasm and contempt towards do-gooders. And significantly, Vecchio's comic diatribe against Fraser connects the Mountie's altruism to traditional Aboriginal culture.

However, the show does not completely romanticise or reify Aboriginal culture. In subsequent episodes, stereotypes are explicitly mocked. At an office party, when

<sup>21</sup> *Due South*, 'Body Language', season two (1995–1996).

<sup>22</sup> *Due South*, 'Mountie and Soul', season three (1997–1998).

<sup>23</sup> KL Morrison, *Canadians are Not Americans: Myths and Literary Traditions* (Toronto, Second Story Press, 2003) 85.

<sup>24</sup> Terry Goldie coined the term 'indigenization' to describe the portrayal of heroic White people internalising indigenous customs, moral frameworks and epistemologies in T Goldie, *Fear and Temptation: The Image of the Indigene in Canadian, Australian and New Zealand Literatures* (Kingston, McGill-Queen's University Press, 1989) 13.

Fraser suggests playing a 'traditional Yukon game: bobbing for trout' he is asked by a colleague, 'Is that a traditional Inuit game?' He replies, 'No, the locals favour something called Twister.'<sup>25</sup> Irony and self-reflexivity are displayed in a later episode when Fraser's childhood mentor, an Aboriginal man named Tom Quinn (Gordon Tootoosis), comes to Chicago to try to stop the construction of a hydroelectric dam that will flood his native community.<sup>26</sup> When a representative of the company assures Quinn that consultations have been carried out with the affected parties, Quinn replies, 'What about the caribou, the elk, the beaver, did you talk to them? Because they too can talk.' Later, Quinn shares the inside joke with Fraser, '... I thought the Tonto act might impress that little jackass.' In other words, Quinn was attempting to appropriate the exotic figure of the Noble Red Man to subvert American corporate violence.<sup>27</sup> The fact that Fraser is trusted to understand Quinn's strategy positions the Mountie as an insider to Aboriginal culture. This is further demonstrated in Fraser's attempts to sensitise Ray to the violence associated with colonial language, for example, when he instructs his partner not to use the term 'Eskimo' in reference to Inuit people.<sup>28</sup> He likens the derogatory practice to two icons associated with American baseball teams: the symbol of the tomahawk chop for the Atlanta Braves and the figure of Chief Wahoo for the Cleveland Indians. Thus, the narrative draws upon a long-standing Canadian nationalist myth that constructs Americans as perpetuating colonial oppression, while Canadians are portrayed as champions of Aboriginal causes.<sup>29</sup>

This rendering of the heroic White Canadian as ally to Aboriginal peoples does not extend, however, to Canadian bureaucrats. In the episode 'The Mask', a Tsimshian religious artefact has been appropriated by the Canadian and French governments. Fraser rescues the mask from a corrupt Canadian official and returns it to the Tsimshian people, allowing a forgery to be returned to the government who holds legal title. This is one of the rare moments when Fraser's principles contradict the law. He appears to be even more devoted to Aboriginal interpretations of title and property than to the Canadian government's legal system. The plot thus contributes to historical amnesia. As Christopher Gittings states,

*Due South*, in its attempts to translate the Mountie from racial gatekeeper and reproducer of Anglo-Saxon Canadian culture to a Tsimshian speaker on intimate terms with First Nations people and their cultural practices, elides the racist origins of the police force.<sup>30</sup>

This elision in *Due South* also draws on a long-standing colonial fantasy of the White saviour working for the betterment of the down-trodden, the racialised and the neo-colonised.<sup>31</sup>

<sup>25</sup> *Due South*, 'Eclipse' season three (1997–1998).

<sup>26</sup> *Due South*, 'Easy Money' season four (1998–1999).

<sup>27</sup> For a discussion of Tonto as Noble Native American friend, see M Hilger, *From Savage to Nobleman: Images of Native Americans in Film* (Lanham, Scarecrow Press, 1995) 5.

<sup>28</sup> *Due South*, 'Dead Men Don't Throw Rice'.

<sup>29</sup> E Mackey, *House of Difference, The: Cultural Politics and National Identity in Canada* (Taylor & Francis, 1998) 1–2, [www.lib.mylibrary.com.proxy.library.carleton.ca/Browse/open.asp?ID=14373&loc=xvi](http://www.lib.mylibrary.com.proxy.library.carleton.ca/Browse/open.asp?ID=14373&loc=xvi).

<sup>30</sup> C Gittings, 'Imaging Canada: The Singing Mountie and Other Commodifications of Nation' (1998) *Canadian Journal of Communication* 23, 4, 507–22, [www.proquest.com.proxy.library.carleton.ca/](http://www.proquest.com.proxy.library.carleton.ca/).

<sup>31</sup> For an overview of the Hollywood tradition of the white saviour in the cinematic imagination, see H Vera and A Gordon, *Screen Saviors: Hollywood Fictions of Whiteness* (Lanham, Rowman & Littlefield Publishers, 2003), 'Chapter 3: The Beautiful White American: Sincere Fictions of the Savior'.

### C. White Canadian Saviour

Fraser's whiteness is a key trope for his pure and heroic heart. This is contrasted to the compromised whiteness of his American partners. As Ross Chambers reminds us, there are shades of white in the colonial imaginary, whereby certain ethnicities and class characteristics will separate an ostensibly White subject from the White ideal.<sup>32</sup> Put simply, 'some white people are whiter than others'.<sup>33</sup> Ray Vecchio's adherence to all the clichés of the Italian-American figure undermines his whiteness. He is hot-headed, wears Armani suits, maintains some connections to the mob, has a sweet nagging mother, and still lives at home with his family. Fraser's second American partner, Stanley Kowalski, is less obviously ethnicised in his personal life, but still stands in contrast to the mountie's Anglo-Saxon identity. The surname indicates Polish roots and to emphasise this ethnic background, we later learn that he was named after Marlon Brando's rendition of 'Stanley Kowalski' in the cinematic version of *A Streetcar Named Desire*. Like Brando's character, he has a passionate, even violent, temper and is marked as working class. Vecchio and Kowalski's whiteness is tainted in relation to Canadian whiteness. And as Dyer reminds us, whiteness as colour, race and symbol are interconnected to convey the ideal in morality and beauty.<sup>34</sup> Fraser's racial status thus emblematises superior ethical and aesthetic qualities in relation to his American partners within the economy of whiteness. Furthermore, within the Canadian colonial imaginary, Fraser's indigenisation does not detract from his whiteness; rather, it adds to his nobility. As Russell Lawrence Barsh discusses, the construction of Canadian whiteness as tolerant and beneficent hinges on the fantasy that Canada treated and continues to treat Aboriginal peoples better than those 'trigger-happy cowboys' to the South.<sup>35</sup>

### D. American Guns versus Canadian Battle Lances

However, the show is careful to construct Fraser's benign and unmarked whiteness in stark contrast to American white supremacist movements. *Due South* dedicates multiple episodes to the Bolt family, a group of American fanatics who have formed a racist militia called the 'Father's of Confederation'. The Bolts specifically make reference to the United States Constitution's Second Amendment to defend and justify their right to bear arms and challenge a government that has 'chosen to betray its people'.<sup>36</sup> Within the show's imaginary, the supreme law of the land is complicit in fostering the xenophobic vigilantism of American culture.

<sup>32</sup> R Chambers, 'The Unexamined' in M Hill (ed), *Whiteness: A Critical Reader* (New York, New York University Press, 1997) 187–25.

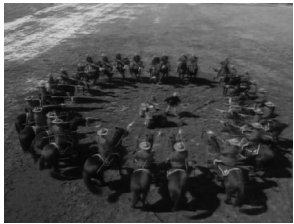


<sup>33</sup> R Dyer, *White* (London, Routledge, 1997) 51.

<sup>34</sup> *Ibid* 70.

<sup>35</sup> RL Barsh, 'Aboriginal Peoples and Canada's Conscience' in Daniel JK Beavon et al (eds), *Hidden in Plain Sight: Contributions of Aboriginal Peoples to Canadian Identity and Culture* (Toronto, University of Toronto Press, 2005) 272.

<sup>36</sup> *Due South*, 'All the Queen's Horses'; 'Red White or Blue' and 'Call of the Wild'.

In contrast to Bolt's gun-worship and Ray's reliance on ammunition to enforce the law, Fraser's gunless approach to justice establishes Canadians as more temperate and rational. In 'Red White or Blue', Mr Bolt's nefarious plans are ultimately foiled by unarmed RCMP officers. First, Meg Thatcher (Camilla Scott), Fraser's boss, uses her bare hands to throw the villain off his vehicle, and then the RCMP musical riders use their red and white battle lances to detain him. The image is a powerful ideological statement of Canadian solidarity, collectivism, and discipline that vindicate over rampant American individualism. Significantly, the circular arrangement the RCMP characters form in *Due South* replicates the most famous ceremonial 'dome' pose of the actual RCMP musical riders, who stage elaborate sequences and cavalry drills throughout the world.<sup>37</sup> The nationalist significance is further established because this image is featured on the back of the Canadian \$50 bill.<sup>38</sup>

		
<p>Bolt, the gun-toting American White-supremacist is foiled and surrounded by spear-carrying Canadian Mounties.<sup>39</sup></p>	<p>The back of the former Canadian \$50 bill.<sup>40</sup></p>	<p>The RCMP musical riders in the dome formation.<sup>41</sup></p>

### E. The Death Penalty

Nationalist pride is also tacitly conveyed in the one episode that addresses the death penalty. In his article 'Two Nations under Law', The Honourable Roger P Kerans hypothesizes: 'If I ask what Canadians consider special or unique about American justice ... Almost all would mention the death penalty.'<sup>42</sup> In the Canadian imaginary, the continued use of the death penalty signifies the authorisation of vengeance over human rights in the American justice system. The episode entitled 'The Ladies Man' performs this indictment in a subtle story of corruption and redemption. At the start of the episode, we find Kowalski wracked with guilt as he confesses to Fraser that he might be responsible for the execution of an innocent woman. Six years ago, Kowalski accidentally tampered with evidence when arresting Beth Botrelle for the murder of

<sup>37</sup> Royal Canadian Mounted Police, official website ([www.rcmp-grc.gc.ca/mr-ce/index-eng.htm](http://www.rcmp-grc.gc.ca/mr-ce/index-eng.htm)).

<sup>38</sup> Royal Canadian Mounted Police, official website ([www.rcmp-grc.gc.ca/mr-ce/index-eng.htm](http://www.rcmp-grc.gc.ca/mr-ce/index-eng.htm)).

<sup>39</sup> *Due South*, 'All the Queen's Horses' season two (1995–1996).

<sup>40</sup> See [www.specialx.net/specialx.net/evileye-images/50rcmp.jpg](http://www.specialx.net/specialx.net/evileye-images/50rcmp.jpg).

<sup>41</sup> See [www.rcmp-grc.gc.ca/mr-ce/images/formations-figures/dome.jpg](http://www.rcmp-grc.gc.ca/mr-ce/images/formations-figures/dome.jpg).

<sup>42</sup> Hon RP Kerans, 'Two Nations Under Law' in DM Thomas (ed), *Canada and the United States: Differences That Count*, 2nd edn (Peterborough, Broadview Press, 2000) 359.

her husband, a police officer. Kowalski is now convinced that this error has enabled someone to frame Botrelle for a murder she did not commit. As Fraser and Kowalski fight against time to uncover the truth, Kowalski has to defy a direct order from the State Attorney to back off and face his colleagues who are gleefully counting down the days until Botrelle's lethal injection. In the nick of time, Kowalski and Fraser apprehend the culprit behind the frame job to demonstrate that the victim's death was actually a suicide. Police corruption caused both the death and the cover up. The denouement achieves its catharsis with Botrelle forgiving Kowalski with a comforting kiss.

Not once do any of the characters condemn capital punishment, nor does Fraser mention the fact that Canada has abolished the practice, and yet the episode still expresses censure of the death penalty. Firstly, if Kowalski and Fraser had been unable to present the evidence to the authorities in time, an innocent woman would have been killed by the state, *because* of state corruption. One fan of the show described the episode as affirming her stance against the death penalty, stating, 'what nearly happened to Beth, happens to a lot of people in real life too!!'<sup>43</sup> Many other fans identify 'The Ladies Man' as the best *Due South* episode of all time.<sup>44</sup>

One reason for this endorsement might rest on the episode's affective contrast between an innocent woman's forgiveness and compassion against the state actors' vengeance and cruelty. Early in the episode, Kowalski visits Botrelle on death row. Instead of being angry, she says, 'Let your conscience be clear, Officer Kowalski ... I killed him.' Kowalski recognises the confession as a ruse telling his partner, 'She's lying, Fraser. She's gonna die, and she tried to make me feel better.' In the end, Botrelle forgives Kowalski and holds him in her arms even though she has spent six years on death row, and was taken to the execution room on five separate occasions before the conviction was overturned. The mercy she expresses is in stark contrast to the political climate and the police behaviour. There is a sense that the criminal justice system is more interested in satisfying blood-lust and maintaining a clean image than ensuring that the right person is being punished. It is this narrative privileging of mercy over vengeance that clinches the show as normatively against capital punishment.

## F. Utilitarian versus Deontological Approaches to Crime Fighting

More generally, the most important normative contrast in the show features Fraser's deontological approach to law enforcement, and his partners' more utilitarian philosophy. While Fraser is committed to upholding the rule of law, Vecchio expresses total disregard for the rights of suspects. As he states to Fraser: 'All right, stand back and watch how we do things here in America. No neighborhood watch, no caring for your fellow man, just good old-fashioned intimidation.' Vecchio frequently breaks into suspects' homes without a warrant and uses the threat of violence to obtain information.

<sup>43</sup> William and Elyse's DS Web Page, Fan Episode Reviews, 'Ladies Man' Review #5 by 'Petra', [www.home.hiwaay.net/~warydbom/duesouth/review/lm.htm](http://www.home.hiwaay.net/~warydbom/duesouth/review/lm.htm).

<sup>44</sup> *Ibid.*

The episode 'Juliette is Bleeding' dramatises this clash of perspectives when Vecchio sees a chance to finally put his criminal nemesis, Frank Zuko, behind bars. Zuko, a ruthless mob boss who has terrorised Vecchio's neighbourhood for years, is wrongfully accused of murder. Fraser presents evidence that would exonerate Zuko to his partner, but Vecchio initially wants to ignore it. In Vecchio's view, even if Zuko didn't kill this particular victim, he is guilty of murder in other cases where there was insufficient evidence. The ends justify the means because they can finally put this mobster away. Fraser refuses this logic. As he states in a later episode, 'Nothing good can come from a bad act.'<sup>45</sup> The audience finds out that Fraser learned this maxim from his mentor Tom Quinn, again connecting Fraser's philosophy on life to his exposure to Aboriginal morality. While *Due South* gives voice to more utilitarian approaches to crime-fighting, at the end of most episodes, Fraser's commitment to duty, due process and the rule of law is presented as the morally correct choice.

### G. Canadian as Other or Queering the Canadian Nation

All of these characterisations seem to glorify Canadian styles of justice, yet it should be noted that the show is based on the idea of peculiarising Canadians. As Aniko Bodroghkozy suggests, *Due South* was premised on 'playing at being Canadian' against an American backdrop.<sup>46</sup> *Due South* is set in Chicago, and although the Mountie stands out because of his ingenious abilities and unwavering politeness, Fraser is nonetheless rendered the exotic *Other*. This rendering conveys a self-deprecating conceit in relation to the United States, where Fraser's distinctively Canadian qualities become visible only through his identity as a patriotic expatriate (ex-pat). While some scholars have suggested this cultural practice conveys an inferiority complex and a failure to achieve a self-contained national identity, Jason Morgan suggests that it actually evidences a queering of nationhood.<sup>47</sup> Although Morgan's comments address cinematic representations, his interpretive framework sheds light on the articulations of nationhood in *Due South* as well. Morgan suggests that the use of 'queer' as a trope disrupts the binary of self/other, and recognises the 'fundamental contradictions (the innate 'queerness') in the formation of any community, including the nation'.<sup>48</sup> Morgan's queering of the nation parallels recent scholarship that has sought to queer heterosexuality; each queering initiative seeks to deconstruct stable hegemonic categories to expose their inherent instability, their slippages and their contradictions.

*Due South* exemplifies this instability in its portrayal of the protagonists' heterosexuality in conjunction with their national identities. In the show, both national and heterosexual relations are naturalised and presented as self-evident and contained

<sup>45</sup> *Due South*, 'Easy Money' season four (1998–1999).

<sup>46</sup> A. Bodroghkozy, 'As Canadian as Possible ...: Anglo-Canadian Popular Culture and the American Other' in H. Jenkins et al (eds), *Hop on Pop* (Durham, Duke University Press, 2002) 581.

<sup>47</sup> J. Morgan, 'Queerly Canadian: 'Perversion Chice' Cinema (and Queer) Nationalism in English Canada' in S. Petty et al (eds), *Canadian Cultural Poetics: Essays on Canadian Culture*, Cultural Studies Series (Waterloo, Wilfrid Laurier University Press, 2006) 211.

<sup>48</sup> *Ibid* 217.

organisations of community and intimacy. However, at the same time, *Due South* also subverts both sets of relations. From the national angle, *Due South's* explicit reliance on an American background to highlight Fraser's Canadianess demonstrates an intersubjective sense of self that transgresses hegemonic and insular constructions of the nation. In other words, to borrow Morgan's analytical frame, Fraser's dislocation and *Due South's* self-othering 'emphasize[ ] the subversion of dominant models of belonging by positioning intersection and difference as the foundations of community.'<sup>49</sup> From the interpersonal angle, the show not only privileges male bonding over heterosexual desire, but goes further by infusing homoerotic tension into the buddy-cop dynamic.

As the narrative unfolds, we see Fraser at the centre of two love triangles, one heterosexual, the other homosocial. Vecchio's sister has been in love with Fraser from the start, and Meg Thatcher, Fraser's uptight RCMP boss, has also fallen in love with him. However, Fraser shares deep affection for his two American male partners, first Ray Vecchio and then Vecchio's replacement, Stanley Kowalski. In another signal of queerness, the bond between Fraser and Kowalski proves, in the end, to be the most long-lasting.

Almost from the moment they meet, the sparks fly between Fraser and Kowalski in a fashion that is reminiscent of a typical Harlequin romance. While Fraser's cerebral ways grate on Kowalski's nerves, they also develop a deep intimacy. By the end of the third season, this 'bromance'<sup>50</sup> takes a surprisingly homoerotic turn in the two-part episode 'Mountie on the Bounty'. The story begins with Fraser and Kowalski both being offered transfers to other postings that would, on the surface, be more suitable for each. Both men are sorely tempted to seize the opportunity, as they have been bickering over their different approaches to crime-fighting. Kowalski is frustrated with Fraser's commitment to logic, while Fraser fails to see the benefit of following gut instinct. Later in the episode, Fraser leads Kowalski underwater in a daring escape, but notices that Kowalski is having difficulty holding his breath. He returns to offer Kowalski some air from his own lungs, but this survival technique registers visually as a three-second kiss. Afterwards, they have a humorous exchange that implies romantic tension:

Kowalski: What was that, Fraser?

Fraser: What was what?

Kowalski: That thing you were doing with your mouth.

Fraser: Oh, that. That's buddy breathing. You seemed to be in a bit of a, well, having a problem. I have excess lung capacity, so...

Kowalski: Buddy breathing.

<sup>49</sup> Ibid 212.

<sup>50</sup> Bromance is a portmanteau of the two words: brother and romance. The Urban Dictionary defines 'bromance' as '1. the complicated love and affection shared by two straight males'; '2. A non-sexual relationship between two men that are unusually close'; and '3. A close relationship between two bros to such a point where they start to seem like a couple.' ([www.urbandictionary.com/define.php?term=Bromance](http://www.urbandictionary.com/define.php?term=Bromance)).

Fraser: Standard procedure.

Kowalski: Good ... Okay ... All right ... Nothing's, like, changed or anything, right?

Fraser: No.

Kowalski: Okay.

Fraser: Yeah.

Kowalski: Thanks.

Fraser: You're thanking me?

Kowalski: Look, don't get too excited, Fraser. The jury's still out on this ... partnership thing, okay?

Fraser: Oh, well, don't worry, Mr. Instinct, I'm not excited.<sup>51</sup>

Kowalski's desire to re-establish normalcy, and the discussion/denial of 'excitement', suggest an underlying attraction that is being vigorously disavowed. The episode further establishes the slippages between professional and romantic partnership through the voice of Fraser's ghost father, who states, 'Partnership is like a marriage, son. Give and take, up and down, who left the empty butter dish in the fridge... It isn't easy.' When Fraser finally allows Kowalski to make a strategic decision based on his instinct, he learns the give and take of this special partnership. At the end of the episode, both have decided to decline their offers of transfer and remain together.

But it is the final episode that really establishes Fraser and Kowalski's devotion to one another. The two-part 'Call of the Wild' repositions Kowalski as the fish-out-of-water, when the bi-national team stumbles upon a case that leads them into northern Canada. By the middle of the plot, times are desperate. Fraser and Kowalski are trudging through frozen tundra when suddenly they both tumble into a deep crevice. As in the episode 'Mountie on the Bounty', their dire predicament forces them into intimate contact, where their bodies are pressed up against one another.





Another plot device to get Kowalski and Fraser pressed up against each other.<sup>52</sup>

<sup>51</sup> *Due South*, 'Mountie on the Bounty—Part 2' season three (1997–1998).

<sup>52</sup> *Due South*, 'Call of the Wild—Part 2'. season four (1998–1999).



While they wait for help, Fraser recounts to Kowalski the Canadian folk story of Sir John Franklin's doomed expedition to find the Northwest Passage in the mid nineteenth century. Franklin's body was never recovered, though, as Fraser explains, 'Many went in search of his hand reaching for the Beauford Sea.' An inspired Kowalski vows, 'If I get out of this, I live through this, gotta find that hand, I gotta find that reaching out hand.' Fraser warns, 'It might be the hand of death.' Fraser then sings a famous Canadian folk song about Franklin's fate, again intertextually linking *Due South* to the Canadian literary tradition of re-telling the explorer's fate.<sup>53</sup> When the episode concludes, marking the end of the series, Fraser narrates that he and Kowalski remained together in the Great White North to begin another adventure. The last words of the show are: 'And off we went to find the hand of Franklin ... And if we do find his hand, the reaching out one, we'll let you know.' Notice that Fraser repeats Kowalski's colloquial language 'the reaching out one', indicating a harmonious blending of their separate outlooks. The bromance has a happy ending!

	
<p>Fraser's hand on Kowalski's shoulder as they set out on their adventure.<sup>54</sup></p>	<p>Fraser leading Kowalski to find the hand of Franklin 'reaching for the Beauford Sea'.<sup>55</sup></p>

In setting out on this journey, Fraser chooses Kowalski over his female suitors, Francesca Vecchio (Ramona Milano) and Meg Thatcher, despite the fact that he has expressed romantic interest towards both women at various points in the series. Yet, it is significant that Fraser's continued relationship with Kowalski occurs in Northern Canada, and not in Chicago or Ottawa. Mother Nature provides a feminine presence through which their homosocial relationship can be triangulated. As Margaret Atwood stated in a lecture she wrote on the literary treatment of Sir John Franklin, 'the North [a]me to be thought of as a frigid but sparkling fin de siècle *femme fatale*, who entices and hypnotizes male protagonists to their doom'.<sup>56</sup> As we saw, Fraser and Kowalski almost died in this *femme fatale's* icy embrace, and have now been lured by the *call of the wild*, even if it means touching 'the hand of death'. The show thus rejects the dominant happily-ever-after denouement, which would have seen each man return to his country of origin to begin or continue sexual

<sup>53</sup> Stan Rogers, 'Northwest Passage'. Go to [www.youtube.com/watch?v=TVY8LoM47xI](http://www.youtube.com/watch?v=TVY8LoM47xI) to hear the song.

<sup>54</sup> *Due South* 'Call of the Wild—Part 2' season 4 (1998–1999).

<sup>55</sup> *Ibid.*

<sup>56</sup> Atwood, (n 2) 3.

relations with an appropriately gendered object choice. Instead, homoerotic and bi-national tension will converge and continue as Fraser and Kowalski team up to explore the Canadian north (the wilderness, of course, also provides a clandestine space for same-sex desire to manifest, most recently and vividly exemplified in the film *Brokeback Mountain*).

But what does this have to do with styles of justice? While the homosocial relationships that were building throughout the show, first with Vecchio, then with Kowalski, signified the compatibility of the two national approaches to justice, it is now clear that Canadian subjectivity has been repositioned at the centre. Or, to use a sexual metaphor: Fraser is now 'on top'. The story concludes with Kowalski as the ex-pat and Fraser in his element. While much of *Due South's* four seasons are dedicated to displaying Fraser's naiveté when negotiating big city life, the last episode features Kowalski's big city inexperience in navigating the harsh Canadian climate. Kowalski is Other in this environment. In their next adventure, Kowalski will now have to trust Fraser completely to steer their course, both literally (see figure above) and symbolically. As we will see in our analysis of *The Border*, Canadian television has continued in this vein by perpetuating the narrative fantasy of Canadians guiding Americans towards a more just system of law enforcement.

### III. The Border

Bianca LaGuarda, United States Department of Homeland Security: 'Mine is bigger than yours; get used to it Major...'

Major Mike Kessler, Canadian Immigration, Customs and Security: 'There you have it, the voice of American diplomacy.'

In the early episodes of *The Border*, this kind of exchange between American and Canadian high-ranking security officials is typical. The accusation that American security rests on a 'might-is-right' philosophy connects the series to *Due South* and its earlier construction of American over-reliance on force at the expense of due process or genuine diplomacy. Unlike the dyadic team in *Due South*, however, each episode of *The Border* features an ensemble cast of characters working for Immigration Customs and Security (ICS), a fictional agency that protects the Canadian people from threats that cross the border. As mentioned, Bianca LaGarda, a liaison officer with the United States Department of Homeland Security, acts as a continual thorn in the squad's side after she is sent to Toronto to assist ICS and safeguard American interests. Of course, her interventions are frequently characterised as interference. While portrayed as both intelligent and gutsy, LaGarda continually amazes her Canadian colleagues with her monomaniacal fixation on potential terrorist threats and her disregard for the human rights, and even the lives, of non-Americans. Although LaGarda's attitude mellows as the show progresses, the real shift happens when Agent Liz Carver (Grace Park) replaces her in the middle of the second season. With the arrival of Carver, the show ceases to condemn American styles of justice, and instead starts to focus more squarely on shared enemies to both nations.

While *The Border* played for only three seasons and produced roughly half as many episodes as *Due South*, it too gained considerable acclaim and a solid fan base during its run between 2008 and 2010. By Canadian standards, the show was quite a success. And despite its cancellation, it lives on both locally and internationally.<sup>57</sup> All three seasons are available for purchase on iTunes or DVD, 22 countries have bought the rights, it is currently being played on the American station ION, and it has been translated into 10 different languages.<sup>58</sup> Since the announcement of its cancellation, fans have bombarded the Canadian Broadcasting Corporation with complaints, and created a Facebook group, 'Bring Back The Border', in an attempt to overturn the network's decision.<sup>59</sup>

### A. Wikileaks and the Political Stakes of Televised Crime Drama

The exceptional popularity of *The Border*, as with *Due South*, indicates its significance as a text reflective and productive of the imagined Canadian community. However, its post 9/11 context actuated narrative shifts and drew political attention. I will address the narrative shifts below, but first I want to consider some recently publicised official documents that allude to the political stakes in this show. In December 2010, the whistle-blowing website Wikileaks disclosed US diplomatic cables to Washington that conveyed a frustration with Canadian television. In January 2008, when *The Border* debuted, an American diplomat stationed in Ottawa complained, 'Primetime images of U.S.-Canada border paint U.S. in increasingly negative light'.<sup>60</sup> The cable provides plot points from the first three episodes of *The Border*, as well as other Canadian shows, that purportedly portray 'nefarious American officials carrying out equally nefarious deeds in Canada'. The message laments:

While this situation hardly constitutes a public diplomacy crisis per se, the degree of comfort with which Canadian broadcast entities, including those financed by Canadian tax dollars, twist current events to feed long-standing negative images of the U.S.—and the extent to which the Canadian public seems willing to indulge in the feast—is noteworthy as an indication of the kind of insidious negative popular stereotyping we are increasingly up against in Canada. (para 1)

The cable proceeds to outline more plot detail of *The Border* and other Canadian television shows deemed anti-American. The conclusion states that action must be taken to counter such pejorative characterisations:

While there is no single answer to this trend, it does serve to demonstrate the importance of constant creative, and adequately-funded public-diplomacy engagement with Canadians, at all levels and in virtually all parts of the country. ...While there are those who may rate the need for USG public-diplomacy programs as less vital in Canada than in other nations because our societies are so much alike, we clearly have real challenges here that simply must be adequately addressed. (para 10)

<sup>57</sup> Amber Dowling, 'Boarded Up' (*T.V. Guide.ca*, 29 March 2010), [tvguide.ca/Interviews/Insider/Articles/100329\\_the\\_border\\_AD](http://tvguide.ca/Interviews/Insider/Articles/100329_the_border_AD).

<sup>58</sup> *Ibid.*

<sup>59</sup> Facebook group, 'Bring Back The Border', [www.facebook.com/group.php?v=wall&gid=384890931958#!/group.php?gid=384890931958&v=info](http://www.facebook.com/group.php?v=wall&gid=384890931958#!/group.php?gid=384890931958&v=info). See also [www.facebook.com/pages/The-Border/246837539217?v=info#!/pages/The-Border/246837539217?v=wall](http://www.facebook.com/pages/The-Border/246837539217?v=info#!/pages/The-Border/246837539217?v=wall).

<sup>60</sup> See [www.wikileaks.ch/cable/2008/01/08OTTAWA136.html](http://www.wikileaks.ch/cable/2008/01/08OTTAWA136.html).

The cable suggests that political actors, like academics, engage in ideological analysis of pop cultural products and consider their impact on the zeitgeist of a nation. From my review of the disclosed cables on Wikileaks, the American Embassy did not have concerns about other plot-driven narrative products like Canadian films or books.<sup>61</sup> Thus, television is singled out. I want to suggest that the temporal rhythm of weekly shows may offer a partial explanation as to why this is. Unlike the vast majority of films and books, television shows are episodic; the plotlines and characters are works in progress. The recurring characters and the continual development of the storyline give television shows a particularly powerful performative effect. As Judith Butler has theorised, performativity should be cast ‘not as the act by which a subject brings into being what she/he names, but, rather as the reiterative power of discourse to produce the phenomenon that it regulates and constrains’.<sup>62</sup> The reiterative nature of these stories may cause politicians to be concerned with the image of US-Canada relations conjured by the viewership. And as John Hartley suggests, government officials imagine television viewers as representative of a reified ‘public’ whose world views must be canvassed, and ideally managed, for political purposes.<sup>63</sup>

Weekly television shows are also unique in their ability to adapt or adjust. Characters can be killed off, bad guys can turn into romantic heroes and, as with the case of *The Border*, the political direction of the show can change, or even reverse course. The second season’s ideological shift from caricaturing to celebrating American militancy attests to the plasticity of televised narratives. Of course, it would be pure (and perhaps paranoid) conjecture on my part to suggest that ‘USG public diplomacy engagement’ had any impact on the evolution of the show. Indeed, the election of Barack Obama in 2008, when presumably the writers were crafting the second season, is a more defensible hypothesis to explain the change. But whatever the reason, *The Border*’s ability to reconceive its ideological premise reveals television’s potential dialogic interaction with political forces.

## B. The Border’s Textual Politics

In her essay, ‘Soft Power: Policing the Border through Canadian TV Crime Drama’, Yasmin Jiwani analyses the first season of *The Border* as an expression of Canadian nationalist ideology centred on ‘soft power’. She explains that the concept exemplifies a hegemonic strategy of social control that veils violence and produces docile bodies.<sup>64</sup> As I understand it, ‘soft power’ can refer to the ways the crime drama itself is an exercise of soft power, through its ideological structuring of reality that naturalises and disguises unequal power relations on a weekly basis. But soft power also draws upon Canadian mythology that in the land of ‘peace order and good government’, government exercises its powers benevolently and proportionately. Although Jiwani

<sup>61</sup> (213.251.145.96/origin/58\_0.html).

<sup>62</sup> J Butler, *Bodies That Matter* (New York, Routledge, 1993) 2.

<sup>63</sup> J Hartley, ‘The Constructed Viewer’ in T Miller (ed), *Television Studies* (London, British Film Institute, 2002) 60.

<sup>64</sup> Y Jiwani, ‘Soft Power: Policing the Border through Canadian TV Crime Drama’ in J Klaehn (ed), *The Political Economy of Media and Power* (New York, Peter Lang Publishing, 2010) 273–91.

wrote her analysis before seasons two and three were aired, her conclusion can be generally applied to the entire series. She states:

*The Border* asserts and reasserts the Canadian national imaginary; that of a nation that is subordinate to yet more humane and compassionate than its powerful neighbour to the south. However, despite these differences, the core message underscores the necessity of uniting to confront a common enemy and enjoining the forces of law and order.<sup>65</sup>

This section of my chapter expands Jiwani's analysis, with a focus on how the US–Canada relationship developed and shifted over the three seasons, and how racialised subjects, in particular Muslims, were eventually evicted completely from symbolic citizenship. I will bring in *Due South* to identify how *The Border* replicates the production and reconciliation of national difference, as well as point out the distinguishing features that speak to a post-9/11 shift in the Canadian imaginary.

### C. The Americanisation of Canada's Public Safety Infrastructure

Unlike *Due South*, the popularity of *The Border* rests less on laughing at the differences between American and Canadian styles of justice and more on bemoaning them, at least in the initial episodes. And yet ironically, the premise of the show actually reflects an Americanisation of discourse and identity.

A comparison between the fictionalised culture of *The Border* and the political culture in Canada demonstrates this point. The existing infrastructures regarding security and safety in Canada and the United States in the *real* world evince different preoccupations and ideologies. In the United States, 'the Department of Homeland Security [has] identified the predominant threat to America as a terrorist threat coming from outside the country, and established priorities that relegated preparedness for domestic emergencies, and natural hazards to a lower level'.<sup>66</sup> In contrast, the Canadian equivalent umbrella agency, Public Safety Canada, emphasises a broader mandate which includes emergency management, national security, law enforcement, corrections, and crime prevention.<sup>67</sup> These distinct mandates reflect different political understandings of risk, security and notions of preparedness.

However, *The Border* did not capitalise on this organisational distinction in its production of national difference. Instead it created a fictional organisation, Immigration, Customs and Security (ICS), an elite squad empowered to detain suspects and use force to protect Canada from foreign intrusions and hazards. The fictionalised ICS mimics the ideology of the Department of Homeland Security in its fixation on external threats. In its mission statement, Public Safety Canada does not deal with immigration matters; such issues are managed by a separate agency, Citizenship and Immigration Canada. The conflation of these two mandates within the fictional culture of *The Border* reflects the organisational structure of the United States and situates the

<sup>65</sup> Ibid 288.

<sup>66</sup> VA Konrad and HN Nicol, *Beyond Walls: Re-Inventing the Canada-United States Borderlands*, Border Regions Series (Burlington, Ashgate Publishing, 2008) 11.

<sup>67</sup> Public Safety Canada webpage, [www.publicsafety.gc.ca/index-eng.aspx](http://www.publicsafety.gc.ca/index-eng.aspx).

non-citizen as always already suspect; a risk about which ICS must be hyper-vigilant. However, because *The Border* draws on current events to inspire plotlines and makes reference to real and well-known agencies in its narrative, such as the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services (CSIS), the genre can be described as 'hybrid realist', as it appropriates non-fictional discourses, events and organisations to authenticate its imaginative world.<sup>68</sup> This mediated reality conforms to the Department of Homeland Security's leery gaze upon 'foreign' subjects, which includes immigrants, refugees, racialised people (even if citizens) and residents without official status. However, through a semiotic sleight of hand, *The Border* still manages to construct Canada as more tolerant towards foreign subjects.

#### D. Canada's Balance between Security and Human Rights

The pilot episode exemplifies *The Border's* image of Canada as effectively dealing with terrorists while protecting innocent citizens. The scene begins in Toronto airport where ICS arrests Tariq Haddad, a Muslim terrorist responsible for the bombing of a Canadian embassy. They also detain Nizar Karim, a Canadian citizen who had been seated next to Haddad on the aeroplane, and who spoke with him briefly. ICS finds no evidence to link Karim to the infamous terrorist; however, CSIS intervenes, takes Karim into custody, and then promptly delivers him to Homeland Security. Karim is shipped off to Syria's Tadmor prison to undergo a brutal interrogation. This gross violation of the rule of law is blamed on both American and Canadian political agents. However, the head of ICS and protagonist of the show, Major Mike Kessler (James McGowan), refuses to abandon the innocent Canadian to this American-backed torture chamber.

Kessler's efforts for this wrongfully detained Muslim can be seen as a spin-off of Fraser's efforts to help reform low-level offenders in *Due South*. In both cases, the Canadian series' protagonists are confronted with the attitude that effort should be reserved for more innocent citizens. But like Fraser, Kessler does not quit. Despite the fact that he has been ordered off the case by the Deputy Minister, Kessler manipulates the press to draw links between Karim's situation and that of another innocent Canadian whom CSIS had previously delivered to Homeland Security. The case of Aram-al-Kir was a media spectacle when it came out that he was tortured on a daily basis for 18 months before his innocence was established and he was returned to Canada. Kessler's behind-the-scenes manoeuvrings work; the media exposure forces the Canadian government to intervene on Karim's behalf to clear his name and bring him home. Enhancing the hybrid realism of the show, Canadian viewers will likely make the connection between the fictional innocent men and the real Maher Arar, a Canadian citizen who was detained by the United States and subsequently sent to Syria, where he was allegedly tortured for over a year before his innocence was established.<sup>69</sup> The guilty Muslim men also tap into hybrid-realism, not because

<sup>68</sup> Z Druick and A Kotsopoulos (eds), *Programming Reality: Perspectives on English-Canadian Television*, Film and Media Studies Series (Waterloo, Wilfrid Laurier University Press, 2008) 1.

<sup>69</sup> Note that the United States denies any wrongdoing and maintains that Arar is connected to terrorist organisations. For more information on Maher Arar, see [www.cbc.ca/news/background/arar/index.html](http://www.cbc.ca/news/background/arar/index.html).

they signify a specific person, but because they conform to the generic caricature of Muslim monsters who are ubiquitous in news media,<sup>70</sup> as well as entertainment programming.<sup>71</sup>

Whether they end up being good or bad, the show clearly constructs Muslims as presumptively suspicious persons whose loyalty to Canada must be investigated by ICS. However, the moral battle in the pilot is really between the good Canadians at ICS and the nasty American agenda, enforced by CSIS lackeys and servile Canadian politicians. While there are no American characters in the first episode, it is clear that it is American disrespect for due process that results in Karim's wrongful detention and presumable torture. This rendition of American abuse of power takes Vecchio's minor violations of due process to the nth degree. As a human rights lawyer, Yvonne Castle (Debra McCabe), states on *The Border*, 'torture by proxy, a Syrian growth industry. Why do I sense the Americans are involved?' When Kessler manages to finesse the return of Karim, CSIS representative Andrew Mannering (Nigel Bennett) and the Deputy Minister are furious. Kessler learns that because of this interference, 'the Americans are not happy'. In response, Homeland security sends an American agent, Bianca LaGarda, to oversee ICS activities and intervene when necessary.

With the introduction of an American Homeland Security agent into the narrative, the production of national difference gets personal. While *The Border* is clearly premised on an ensemble cast, the only two recognisable characters featured in the opening credits are LaGarda and Kessler. They are the main protagonists. Agent LaGarda personifies the United States as hot-headed, unscrupulous and self-centred, while Major Kessler represents Canada as restrained, principled and progressive. Although the show portrays both as sexy and seductive, their respective charms reflect their national character. LaGarda's sexiness is associated with her forceful, take-charge attitude, which is specifically nationalised when the computer geek character, Hieronymus Slade (Jonas Chernick), refers to her as an 'American dominatrix'. Kessler's sexiness stems from his reserved manner and quiet authority that women seem to find irresistible. Like Fraser, Kessler gets a lot of female attention, but unlike the Mountie, he gets a lot more action. Thus, *The Border* updates heroic Canadian masculinity by replacing the gentleman's image with that of the ladies' man.

As stated, Kessler and LaGarda are not quite the buddy-cop team that we saw in *Due South*. Instead, the *Border* translates Vecchio's aggressiveness into LaGarda's militarism, and Fraser's niceness into Kessler's diplomacy. As was the case with *Due South*, the earlier episodes hinge on the dramatic tension between American and Canadian styles of justice as enacted by these two figures. I will address how this contrast is racially coded later, but for now I want to focus on the ways in which the representation of American militancy creates a backdrop to emphasise Canada's ability to balance security and rights more effectively.

This is acutely dramatised in the third episode, 'Bodies on the Ground'. Again, the episode features Muslim terrorists, but as in the pilot, the moral battle is between

<sup>70</sup> P Gottschalk and G Greenberg, *Islamophobia: Making Muslims the Enemy* (Lanham, Rowman & Littlefield Publishers, 2008).

<sup>71</sup> See JG Shaheen, *Guilty: Hollywood's Verdict on Arabs After 9/11* (Northampton, Olive Branch Press, 2008).

American and Canadian security forces. The story begins dramatically with an American rendition flight crashing in Quebec and letting three Muslim detainees loose on Canadian soil. Agent LaGarda explains that the fugitives are, 'Enemy combatants with high intelligence value.' When LaGarda refuses to divulge where the prisoners were headed, Kessler asks, 'Albania, Serbia, somewhere where the gloves can come off?' LaGarda explains that these terrorists are so evil and so resistant to American interrogation techniques that she has '...no problem handing [them] over to people who are not so squeamish'. In other words, it is suggested that Americans outsource torture, something that not only marks the United States as a human rights-violating state, but also as a threat to Canadians.

Thanks to American policies and screw-ups, the terrorists initially escape and end up killing two Canadian officers and wounding more. The situation escalates when, prior to the terrorists being apprehended, LaGarda decides that the situation is too dangerous and orders American F16 jet fighter planes to bomb the region of rural Quebec where they believe the fugitives are hiding. This order is given despite the fact that there are two ICS agents (and perhaps unknown civilians) who are also in the region. Thankfully, ICS apprehends the terrorists in the nick of time and the American bombing is called off. This almost comical exaggeration of American aggression suggests a total disregard for international law, Canadian sovereignty and Canadian lives.<sup>72</sup> This portrayal is an intensified version of Vecchio and Kowalski taking the law into their own hands when they intimidate suspects or break into homes without a warrant. And as in *Due South*, we find that the Canadians, with less firepower and fewer technological resources than the Americans, still manage to catch the bad guys by virtue of their superior crime-fighting skills.

### **E. American White Supremacy versus Canadian Racial Harmony**

Canada's more effective law enforcement also applies to combating racist crimes. As with *Due South*, American white supremacists rear their ugly heads a few times during the series. In 'Gross Deception', Kessler and LaGarda investigate an arms smuggling deal, with Canadian military weaponry being trafficked across the border. At the end of the episode they discover that the culprits were American 'home-grown terrorists': white supremacists who had formed a group called the 'Sons of Paul Revere'. LaGarda explains that the group had planned to bomb an INS (Immigration and Naturalization Service) office. Kessler connects the crime to the work of Timothy McVeigh and the Unabomber and knowingly recites the Second Amendment as an explanation for such aggression. As in *Due South*, blame for American vigilante terrorism is partially attributed to the constitutional right to bear arms. In addition, the name of the white supremacist organisation makes reference to the American war hero Paul Revere, rooting the current day violence in the discourse of America's bloody revolutionary past. The Canadian gaze implicitly elevates Canada's piecemeal

<sup>72</sup> Not surprisingly, the American diplomatic cable disclosed on Wikileaks was particularly offended by this portrayal. See [www.wikileaks.ch/cable/2008/01/08OTTAWA136.html](http://www.wikileaks.ch/cable/2008/01/08OTTAWA136.html).



process of nation-building and loyalty to government over America's violent process of revolution and hostility to government.<sup>73</sup>

While *The Border* does recognise the existence of Canadian white supremacists, the show subtly places responsibility for these miscreants on Americans. In the episode 'Hate Metal', a racist militia group in British Columbia is revealed to be a small chapter of a larger organisation spawned by a notorious American white supremacist. Even though the Canadian operation is planning an attack on the Sikh community in Vancouver, there is a sense that Canadian racism is an infection from the United States. The most vicious and seasoned white supremacist is still an American who has inspired the crew and mobilised the attack.

In other episodes, historical white supremacy is explicitly invoked to construct Canada as a haven from American racism. In 'Enemy Contact', Darnell Williams (Jim Codrington), an ICS agent, is interrogating Sorraya, an American Muslim convert and, as it turns out, a terrorist. She refers to Williams as an African man and he rebuts, 'Actually, I'm a Canadian man.' When Sorraya challenges his patriotism considering his ancestors were 'dragged here in chains', he says proudly, 'To America. They came to Canada to be free.' The construction of Canada as safe house is again invoked in the episode 'Stop Loss', where three American soldiers seek refugee status in Canada. Kessler's daughter, Zoe, tries to convince her father that the soldiers should be allowed to stay by citing the Underground Railway as precedent for Canada assisting oppressed Americans. These two references produce national difference by drawing upon 'the image of Canada as 'freedom's land' [which] has lodged itself in the national psyche and become part of our national identity'.<sup>74</sup> Thus the show not only imagines the Great White North as the real refuge for the 'huddled [African-American] masses longing to be free', it also contributes to the collective amnesia of Canada's historical participation in slavery, systemic racism and violent assimilation practices.

As in *Due South*, these forgotten atrocities are also linked to a disavowal of current day oppression of racialised people, in particular Aboriginal peoples. *The Border* reinscribes the oft-repeated nationalist notion that Canada respects Aboriginal peoples' autonomy, while America still views them as unrestrained savages. In the episode 'Grey Zone', Homeland Security and ICS investigate an Albanian money-laundering scheme at an Aboriginal-run casino. Kessler is sensitive to the fact that their investigation trespasses on Mohawk territory, while LaGarda is eager to send US agents onto the reserve without Mohawk authorisation. Her view—which is not the view of the show—constructs Aboriginal people as criminals who endanger the real Americans: 'Today the Mohawks are sending us drugs, tomorrow terrorists and plutonium'. She further resents their special jurisdiction complaining that, 'It's bad enough the Natives run contraband with impunity.' When she is confronted with an admonishing stare from Kessler, she sarcastically corrects herself: 'Okay, exercise their cross-border treaty rights.' Kessler, on the other hand, insists on respecting the conditions of Frank Arthurs, the Mohawk Sheriff, when they begin their investigation at the casino.

<sup>73</sup> KL Morrison, *Canadians Are Not Americans: Myths and Literary Traditions* (Toronto, Second Story Press, 2003).

<sup>74</sup> A Cooper, *The Hanging of Angélique: The Untold story of Canadian Slavery and the Burning of Montréal* (Toronto, HarperCollins, 2006) 69; cited in A Bakan, 'Reconsidering the Underground Railroad: Slavery and Racialization in the Making of the Canadian State' (2008) 4 *Socialist Studies / Études Socialistes* 1, [www.socialiststudies.com/index.php/sss/article/view/3](http://www.socialiststudies.com/index.php/sss/article/view/3).

There is a sense of cooperation and mutual respect between ICS and Aboriginal law enforcement, again drawing upon the myth—which was also perpetuated in *Due South*—that Canadian law enforcement officers have a collaborative relationship with Aboriginal peoples, both in the past and the present.



Canadian and Mohawk law enforcement officers working together to bring down the bad guys.<sup>75</sup>

Yet it is important to note that while ICS works with the Aboriginal officers, it is Kessler, the white man, who heads the investigation and leads the final takedown. The Aboriginal officers look for Kessler's signal for authorisation before they proceed. Colonial domination and images of paternalism are thus regenerated, even as the show attempts to perpetuate a rosy picture of multiculturalism.

Like Fraser, Kessler performs the figure of the White saviour as he works to sort the bad racialised Others from the victimised racialised Others. As we saw in the pilot episode, Kessler rescues a Canadian-Syrian, Nizar Karim, from an unlawful detention by American and Syrian authorities. The closing scene features Kessler looking on with satisfaction as Karim is reunited with his family at Toronto airport after his ordeal in the Syrian prison. As the show spends much time showcasing surveillance technology, this image suggests that by constantly looking at racialised people, ICS is actually *looking after* their best interests. Kessler, who goes unnoticed by the Karim family, is situated behind as a white protective figure. His constant gaze reassures the viewer that ICS surveillance and racial profiling is all to identify and protect the innocents from the thugs.

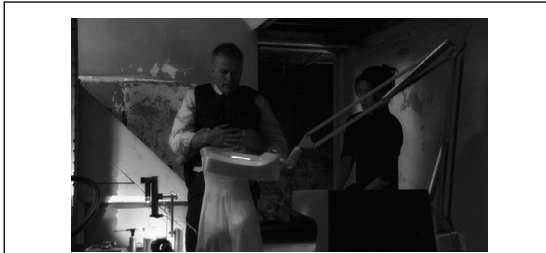


Kessler looking at the racialised Other that he saved.<sup>76</sup>

<sup>75</sup> *The Border*, 'Gray Zone', season one (2008).

<sup>76</sup> *The Border*, 'Pockets of Vulnerability' season one (2008).

Aboriginal victims are also recipients of Kessler's protection. In the episode 'Double Dealing', Kessler rescues an Aboriginal woman, Tamara Hardistry (Leanne Poirier Greenfield), who has been kidnapped by mobsters. Kessler enters the crime scene accompanied by Homeland Security Agent Liz Carver, who by this point had replaced LaGarda in the series. When the two agents discover Hardistry chained in a basement, she gratefully launches herself into Kessler's arms, sobbing, 'Thank you' while Kessler says soothingly, 'You're safe.'



The Aboriginal victim encircled in Kessler's protective embrace as DHS agent looks on.<sup>77</sup>

It is significant that Hardistry does not go to Carver first, but to Kessler. Again we get the image of Canada as defender of the maltreated and the victimised. Aboriginal feminine subjectivity is brought in as a prop to enact this self-congratulatory image. As Eva Mackey notes, 'Aboriginal people are necessary players in nationalist myths: they are the colourful recipients of benevolence, the necessary 'others' who reflect back white Canada's self-image of tolerance.'<sup>78</sup>

## F. Canadian Whiteness and American Racialisation

As with the racial subjectivity of Fraser in relation to his American partners, Kessler's whiteness stands in contrast to the racialisation of LaGarda and Carver. In the second episode, we learn that LaGarda was born to an Italian mother and a Cuban father. Like Vecchio and Kowalski, she too has a violent streak, not so much in her personal interactions but through the security orders she sometimes gives to effect torture and collateral damage on innocent people. Her character is bossy, aggressive and tactless. As Jiwani points out, 'LaGarda herself suffers from the quintessential stereotypical Latina flaw—her temper and inability to be diplomatic.'<sup>79</sup> The show connects this personality defect to her American citizenship and patriotism. For example, when Kessler refers to her as a 'cowboy',<sup>80</sup> he likens the agent to the iconic figure of American gun-toting individualism. And as in *Due South*, each episode concludes with the inevitable vindication of the Canadian way over that of the cowboy.

<sup>77</sup> *The Border*, 'Double Dealing' season two (2008).

<sup>78</sup> Mackey, *House of Difference* (n 31) 2.

<sup>79</sup> Jiwani, 'Soft Power' (n 64) 281.

<sup>80</sup> *The Border*, 'Gray Zone'. season one (2008).

When LaGarda is replaced by Carver, an Asian-American, the show takes a significant turn towards reconciling national differences. However racial difference, along with sex difference, is still invoked to contrast Carver and Kessler's personalities. In the final episode of the series, 'No Refuge', we see Carver and Kessler having an argument with Mannering, the nefarious CSIS representative. Afterwards Carver asks Kessler, 'How do you keep yourself from punching that asshole's lights out?' Kessler responds, 'Emotional repression; it helps to be a white male.' While Kessler's answer calls attention to race and sex instead of allowing patriarchal whiteness to remain invisible and thus more powerful, it nonetheless reveals the way that Carver's racialised and gendered identity is tied to a particular personality: one that is hot-tempered and impatient. Again, it is not a coincidence that both American agents share this volatile temperament, just as Vecchio and Kowalski did in *Due South*. Canadian superior styles of justice thus hinge on reinforcing the image of in-control whiteness versus out-of-control racialised subjectivity.

### G. Post-9/11 and the Otherisation of Americans

I want to return now to the fish-out-of-water premise of both shows. In *Due South*, the show identifies Fraser as the misfit: his sympathetic attitude towards criminals, non-violent law enforcement techniques, and quaint Canadian quirks all conflict with the ethos of the Chicago police station in which he unofficially works. In *The Border*, we see LaGarda as the freak: her ruthless attitude towards suspects, excessively violent strategies, and abrasive manner all clash with the ethos of the ICS headquarters she frequents. While both scenarios elevate Canadian styles of justice over American, as I stated in the previous section, *Due South* does so by engaging in a self-othering process. The American way, even if subtly denigrated in the narrative, becomes the benchmark against which to measure Canadian superiority. Yet *The Border* shifts this dynamic to such an extent that the Canadian way becomes the benchmark by which to measure American shortcomings. I want to suggest that American foreign policy post-9/11 has generated, and in some cases furthered, global Anti-American frustration, in a way that reinvigorated the Canadian imagined community. In *America Alone*, Stefan A Halper and Jonathan Clarke canvass the many studies that document how American foreign policy post-9/11 has engendered diminished, and often downright negative, opinions of the 'Stars and Stripes' across the world. In this best-selling book, these self-identified 'center-right' thinkers sharply criticise American policy of the past decade that has dismissed diplomacy as a 'tiresome constraint on American 'unipolarity''.<sup>81</sup> In the Canadian imaginary, Canadians look pretty good compared to them!

The *Border* capitalises on this feeling, which is reflected not just in the ways in which Canadian styles of justice are elevated over American—after all, we saw this

<sup>81</sup> SA Halper and J Clarke, *America Alone: The Neo-Conservatives and the Global Order* (Cambridge, Cambridge University Press, 2004) 4, lib.myilibrary.com.proxy.library.carleton.ca/Browse/open.asp?ID=54096&loc=Cover.

in *Due South* as well—but in the ways LaGarda is ‘otherised’ within the narrative. Her position in Toronto, surrounded by Canadians, means her excessive unilateral militancy is constantly being challenged. At one point, Kessler specifically makes reference to her myopic worldview when he asks her in frustration: ‘Have you ever been posted out of the US? Things have been broken for a while. You have to stop swatting flies with bunker busters.’<sup>82</sup> While American superior military power and technological resources are undisputed, Canadian morality and proportionality in response to terrorist threats are affirmed. *The Border* suggests that the Canadian strategic and ethical compass must attempt to steer its misguided neighbour to a more prudent and rights-respecting path.

#### H. Reconciling American and Canadian Styles of Justice through Eros

In *The Border*, as in *Due South*, the nations’ clashing styles of justice slowly work themselves out into a harmonious partnership as the show progresses. Interestingly, as was the case in *Due South*, this is also expressed in part through eros, although in a much more explicit and heterosexual fashion. Over time, Kessler and LaGarda develop a mutual respect, bridge many of their differences, and even come to flirt brazenly with one another. One concession that Kessler makes to his American colleague right from the start is in direct opposition to the normative subtext of *Due South*. When LaGarda presents extradition papers for a murder suspect in Canadian custody, Kessler informs her that he technically can’t extradite someone to a death penalty state. LaGarda is furious, but Kessler simply instructs her to lower the charge to kidnapping, and then upgrade to murder once they have the suspect in American custody. Thus, while the death penalty was represented as immoral and subject to gross error or corruption in *Due South*, *The Border* shows a Canadian facilitating capital punishment by sidestepping Canadian law. LaGarda too bends the rules for the benefit of ICS as she learns to trust Kessler’s tactics and principles. In the episode ‘Nothing to Declare’, she gives Kessler access to a top secret FBI file because she knows it will assist his investigation. And in the last episode where LaGarda operates as the official Homeland Security liaison officer, she unites with Kessler to defy direct orders from both CSIS and the CIA in order to stop a deadly pharmaceutical scam. The crucial differentiation is thus no longer between American and Canadian law enforcement, but between law enforcement officers and spy agencies taking orders from politicians. In the last scene, we learn that LaGarda has been recalled back to Washington DC because her superiors believe she has ‘lost perspective’. She and Mike share a bottle of wine at his home, and both admit they will miss each other. The show suggests that had she stayed, their relationship might have become more intimate. Tensions between styles of justice are translated into erotic tension that ultimately

<sup>82</sup> *The Border*, ‘Bodies on the Ground’ season one (2008).

mutes the differences between the two nations. During this exchange, the camera angle does a close-up shot that emphasises the intimacy of their relationship.



Kessler and LaGarda have reconciled their differences through eros.<sup>83</sup>

However, the Canada–US relationship is finally consummated with the introduction of Liz Carver (Grace Park).

Grey Jackson (Graham Abbey), the prototypical rough-and-tumble white man on the ICS team, first meets Carver on an assignment that takes place on the US-Canada border. It doesn't take long for the two to give into their mutual desire. In the next bedroom scene, their sexual relationship is explicitly linked to collaborative crime fighting when we see them post-coitus and naked, surveying information of their suspects.



Jackson and Carver post-coitus examining evidence together.<sup>84</sup>

When Carver is assigned to replace LaGarda, she is at first adamant that all romantic contact between her and Jackson must end. She explains to him: 'The DHS has a policy against close and continuing bonds of affection with foreign nationals.' This directive is another indication of the extreme xenophobia of the United States. But after again succumbing to Jackson's rugged Canadian charm, she grumbles the next morning: 'If my superiors find out I'm screwing a foreigner...' Grey responds indignantly, 'It's not like I'm an Iraqi!!' In other words, racial profiling is fine, but Canadians should not be considered a suspect group. His protest indicates the direction in which the series will soon turn, by suggesting that American and Canadian alliance comes at the price of displacing abjection onto Other communities.

<sup>83</sup> *The Border*, 'Prescriptive Measures' season two (2008).

<sup>84</sup> *The Border*, 'Articles of Faith' season two (2008).

## I. Demonising Muslims

While the *The Border* capitalises on a number of stock racial figures, including Tamil extremists, Albanian mobsters, Russian mobsters, Chinese spies, Hindu fundamentalists, Congolese warlords, Croatian warlords, Kenyan drug dealers, and Latino gangs, the most recurrent bad guy is the Muslim terrorist. In an interview with Peter Raymont, co-creator of *The Border*, he boasts that the show cast 217 actors from visible minority groups over its three-year run.<sup>85</sup> However, Raymont's claim that these actors were given 'interesting and positive roles—not negative roles', is belied by even a cursory examination of the weekly plots, particularly of those involving Muslims. While there were, of course, a few Muslim victims of abuse or torture, as we saw in the episode entitled 'Pockets of Vulnerability', the majority were bad guys: intolerant fundamentalists at best, terrorists at worst.

Perhaps Raymont was focusing instead on the recurring South Asian Muslim character, Layla Hourani, an ICS agent for the first two seasons before being killed in the line of duty. From the first episode, Hourani establishes an ambivalent relationship to Islam. At a multicultural school, Hourani defends the right to wear the hijab to her white partner, Jackson. But when Jackson asks whether she ever wore one, she replies, 'Please, I was deep into grunge.' In this statement, the audience is reassured that although a Muslim, Hourani has always been a proper assimilated Other who can be trusted. As Jiwani points out, wearing the hijab casts someone in the 'bad Muslim' category as a fundamentalist or a victim of fundamentalist oppression.<sup>86</sup> Throughout the show, Hourani establishes her 'good Muslim' status first by wearing Western-identified clothing, then by flirting with white men and eventually by having an affair. Again, eros plays a role, this time in containing and familiarising the Other. Her rejection by conservative Muslims, who dismiss her as a 'traitor' and 'obsessed with her looks', demonstrates she is on the right side. She clinches her commitment to the Western point of view when she chases down Muslim terrorists and shoots them down if necessary. But despite all these traits that code her as an acceptable citizen, Hourani is still killed off at the end of the second season. Even reassuring assimilationists like Hourani are not allowed to stay in the show. This decision was not because the actress chose to leave, but because the producers chose to have her character eliminated.<sup>87</sup> Significantly, she is replaced by Agent Khalida Massi—racialised but not identified as Muslim—whose mother died in a Muslim terrorist attack. Thus, the one 'good Muslim' character in the cast who, at the very least, buffers the ubiquitous image of Muslim maniacs, is discarded for someone who symbolises victimisation at the hands of 'jihadists'. By the time the third season begins, it is clear that in the show's imaginary, the only good Muslim is literally a dead Muslim.

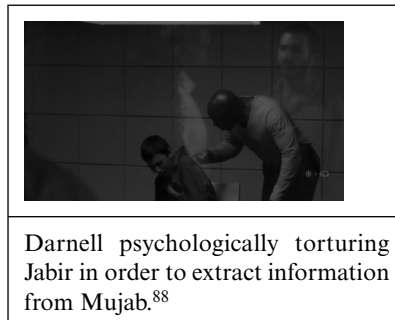
<sup>85</sup> A Dowling, 'Boarded Up' *TV Guide*, 2010-03-29 [tvguide.ca/Interviews/Insider/Articles/100329\\_the\\_border\\_AD](http://tvguide.ca/Interviews/Insider/Articles/100329_the_border_AD).

<sup>86</sup> Jiwani, 'Soft Power' (n 64) 287, drawing on insights from M Mamdani, *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror* (New York, Pantheon Books, 2004).

<sup>87</sup> B Brioux, 'Goodbye, Mr. Bauer' *The Toronto Star*, 22 May 2010, [www.thestar.com/entertainment/television/article/813094](http://www.thestar.com/entertainment/television/article/813094).

## J. Justifying Torture

This Islamophobic subtext actuates American and Canadian solidarity in the third season of *The Border*. In the episode entitled ‘The Broken’, the plot is centred on the ‘ticking bomb scenario’ to convey the necessity for Canadians to ally with Americans, and the acceptability of torture for the greater good. In this episode, LaGarda returns for a special assignment to escort Ali Jabir, a 17-year-old prisoner from Guantanamo Bay back to Canada. Jabir, a resident but not a citizen of Canada, had been in ‘Gitmo’ since he was 13, and the show acknowledges that he was continually tortured, requiring over 30 medical treatments during his incarceration. However, Jabir’s release is not for the sake of his health or his innocence, even though LaGarda concedes that he was unfairly given the rap while the real terrorist, Nasim Mujab, got away. Homeland Security believes that by releasing Jabir, they will catch Mujab. The trap works, but of course, it cannot be that easy. ICS discovers that a terrorist attack is being planned in the next 24 hours in Toronto and their only leads are Mujab and Jabir. They interrogate Jabir who they discover has no ‘good intel’, but after four years of torture, he will say anything to make them stop the harsh questioning. During a musical montage with an Arabic soundtrack, we witness ICS alternately interrogating Mujab and trying to decipher a terrorist code, with a clock literally ticking down to ‘D-Day’. The suspense that is built and the imminence of the attack are meant to justify their subsequent course of action. Kessler strikes on a brilliant idea: build upon the foundation of torture inflicted on Jabir and use his post-traumatic stress against Mujab. ICS arranges for Mujab to observe Williams fiercely interrogating Jabir, who has completely broken down and is begging for mercy. In the figure below, you can see Mujab in the reflection of the glass as he witnesses the abuse.



Kessler and LaGarda keep repeating that they will stop the interrogation if Mujab reveals the terrorists’ target. When Mujab does not crack initially, Kessler screams, ‘He was tortured because of you.’ This is the third time in the episode that Mujab is blamed for the torture Jabir received at the hands of American authorities. Mujab breaks down and reveals the target.

<sup>88</sup> *The Border*, ‘The Broken’, season three (2009).



Torture is justified and rationalised on a number of levels in this episode, but much of it will not be recognised as such because, as Jinee Lokaneeta argues, the popular understanding of torture focuses exclusively on physical brutality and grievous bodily harm.<sup>89</sup> While this latter type of torture is briefly alluded to by Slade (the ICS character taken the least seriously) when he expresses disapproval of Jabir's initial torture from the ages of 13 to 17, La Garda transfers moral approbation onto the previous US government. In addition, blame is also displaced onto Mujab for allowing Jabir to 'serve the sentence' that was meant for him. The logic of this accusation is that bad Muslims are blamed for the torture of good Muslims, and not that the United States has contravened international law by systematically inflicting torture on detainees. The right to be free from torture is a non-derogable right and applies to all people, not just 'innocent' ones. But *The Border* suggests that Muslims are excluded from this protection.

As it turns out, thanks to Guantanamo torture of an innocent Muslim boy, the agents have a weapon to use against Mujab, the evil Muslim man. In addition, their final tactic against Mujab would, I submit, violate the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention defines torture as 'any act by which severe pain or suffering, whether physical *or mental*, is intentionally inflicted on a person for such purposes as obtaining from him *or a third person* information or a confession...' [*emphasis added*].<sup>90</sup> In this incident, Williams purposefully inflicts psychological torture on Jabir in order to extract information from Mujab, who is tormented by the sight of his victimised friend. It should be noted that Kessler is saved from getting his hands dirty by having the one racialised man on his team carry out Jabir's psychological torture.<sup>91</sup> And, as with most ticking bomb hypotheticals, the narrative framework establishes that the means of torture justify the ends of saving innocent lives.<sup>92</sup>

This moral universe is shared by both Canada and the United States. After they manage to prevent the terrorist attack, Bianca praises her Canadian colleague: 'You did good work in there, Mike...I always thought we'd make an outstanding team.' Here, the viewers get the voice of American authority patting Canada on the back. Canadians are now in line with the Americans; they not only tolerate American torture, they also engage in the practice themselves *when necessary*. The show seems no longer interested in defending the border between the two law enforcement worlds; instead Canadian national pride comes from receiving American approval of their

<sup>89</sup> J Lokaneeta, 'A Rose by another Name: Legal Definitions, Sanitized Terms, and Imagery of Torture in 24' (2010) *Law Culture and the Humanities* 6, 246, 263.

<sup>90</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted and Opened for Signature, Ratification and Accession by General Assembly Resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with art 27 (1), [www2.ohchr.org/english/law/cat.htm](http://www2.ohchr.org/english/law/cat.htm).

<sup>91</sup> This is not the first time that Williams is associated with the seamier side of law enforcement. In the episode 'Blowback', Kessler was planning to kill a Croatian war criminal against direct orders from his superiors, but Williams does the killing before his boss has a chance to do it, in order to protect him. In addition, in the episode 'Double Dealing', unbeknown to Kessler, Williams delivers a suspect to a remote location where it is implied that he will be tortured in order to extract information. It works and no one at ICS is any the wiser.

<sup>92</sup> Lokaneeta, 'A Rose by another Name' (n 89) 257.

counter-terrorism tactics. Unlike Fraser, who established his heroism in part by his kindness to offenders, Kessler's willingness to make suspects suffer for the greater good signals his heroic status. In addition, in the world of *The Border*, Canadians would never have known about the impending terrorist attack if Homeland Security had not shared information on Mujab. There is a sense, reinforced in other episodes in the second and third season, that the American 'war on terror' is also protecting Canadian soil. This cozy picture of compatibility between Canadian and US styles of justice is in distinct contrast to the first season and a half, which showed the 'war on terror' endangering Canadian lives. In these earlier episodes, the clash between Homeland Security and ICS created the moral tension upon which the narrative was built. Kessler specifically condemned 'ends justify the means' approaches. But by the end, we see him embracing a consequentialist philosophy that wins favour from Homeland Security. For ICS, the enemies and the moral opponents now mostly consist of racially marked Others, who either hail from outside of Canada, or are citizens who have resumed the atavistic practices of their ethnic/religious origins.

### **K. The Never-Ending Struggle against Bad Racialised People**

The final episode of *The Border*, 'No Refuge', celebrates this US–Canada collaborative teamwork by making Latino youth occupy the role of shared enemy. ICS is working with Carver and Homeland Security to protect Toronto's residents from a Mexican drug cartel looking to distribute north with the assistance of the street gang, MS-13. The show ends on a dramatic cliffhanger with the ICS team trapped in a refugee centre surrounded by MS-13 members. The gang has cut all power and telephone communication and, like zombies, are slowly penetrating the ad hoc barriers put up by Kessler and his cohorts. Much to the fans' dismay, there was no resolution to this dire predicament, as the series was then abruptly cancelled.

While the producers may not have known that this was their last hurrah, the story does provide some closure. The final image we get of the team shows them heroically protecting good racialised people (refugees) against their bad counterparts (the Latino gangs). There is a sense that this is a never-ending struggle. In the last few seconds of the show, an MS-13 gang member has hacked through a door and peers in like a predator locating his prey. His tattooed face, with the number 13 branded on his forehead, emphasises his construction as primitive and animalistic within the clean-cut imaginary of the show.

These racialised men are not just animalised by the camera shots, but by what goes unmentioned on screen. Missing from the show is any reference to the socio-economic and political context that contributed to the creation of such gangs. As Juan Fogelbach argues, the existence of MS-13 can be attributed, in part, to the systemic and persistent marginalisation, victimisation and imposed poverty that El Salvadorian refugees experience in the United States.<sup>93</sup> The American practice of deporting members has

<sup>93</sup> JJ Fogelbach, 'Mara Salvatrucha (MS-13) and Ley Anti Mara: El Salvador's Struggle to Reclaim Social Order' (2005–06) 7 *San Diego Int'l LJ* 224.

exacerbated the problem and increased the gang's membership. Without any of this context, the young Latino men simply appear as hateful and bloodthirsty animals.

While the violent closing of *The Border* in an urban jungle is in stark contrast to the peaceful conclusion of *Due South* in the icy wilderness, the harmony between American and Canadian law enforcement is still verified, in both shows, through eros. Recall that in *Due South*, Fraser and Kowalski remain partners, not because of their jobs, but because they choose to seek adventure together in Northern Canada, and as Keohane states, 'Nature is constructed as the locale for eroticism in the Canadian imaginary.'<sup>94</sup> In *The Border*'s final episode, violent criminality forms the erotic backdrop for the Canadian-American duo. In the midst of fighting off the MS-13 hooligans, Jackson and Grey—who have had their ups and downs—take a moment to express their commitment to one another. Love, apparently, conquers national differences.

#### IV. Conclusion

To close, I would like to return to the trope of queer to further nuance the differences between the imaginations of Canadian nationhood in *Due South* and *The Border*. Recall that in my analysis of the fish-out-of-water subjectivity in *Due South*, I drew upon Jason Morgan's suggestion that Canadian texts refusing the insularity of a discrete nation are queering the imagined community. For most of the series, the audience recognises Fraser's Canadianness by looking at him through the American gaze. His adoption of Inuit epistemological and moral frameworks further marks him as extraordinary. Notwithstanding the symbolic violence of claiming kinship with Aboriginal peoples whilst maintaining colonial power structures, Fraser's Inuit-Canadian hybridity and US-Canada oppositionality does not simply invoke the cherished notion of Canada as mosaic, but rather advances Canada as '... contradiction and paradox at the expense of an imagined homogeneity'.<sup>95</sup> This fragmentation of national identity disrupts the borders of the collective nationalist subject. When Kowalski remains in Canada to continue his homosocial relationship with Fraser, national difference is queered not merely because of the suggestion of same-sex, cross-national desire, but also because of the narrative picture of binational interdependence. While the two men will literally need each other to survive the harsh landscape, they also need each other in order to identify themselves as recognisable national subjects. The *survival* of Canadian identity depends on the Other. However, hegemonic conceptions of Canada as the site of benign whiteness continue to be perpetuated in the narrative. What remains entrenched and undisrupted is Fraser's whiteness as a blank screen to project the indefinite negotiation of difference.

<sup>94</sup> Kieran Keohane, *Symptoms of Canada: An Essay on the Canadian Identity* (University of Toronto Press, 1997) 111.

<sup>95</sup> Morgan (n 49) 218.

While *The Border* presents a more multicultural picture of Canadian identity, whiteness still operates as the hegemonic norm where difference is not just negotiated, but disciplined and managed. Canadian identity pivots on two axes of difference in the series. First, there are the racialised bad guys; whether foreign intruders or unassimilated immigrants, they represent a threat to national survival within the zeitgeist of post-9/11 Canada. But danger also comes from Canadian allies. The first half of the series' run suggests that the American 'war on terror' infringes Canadian sovereignty and sometimes endangers Canadian lives, particularly racialised innocents caught in the over-inclusive net of counter-terrorism tactics. This second axis of difference between Canada and the US is ultimately resolved through an accentuation of the first. Although eros plays its part, the solidarity that is built between Canadian and American law enforcement officers does not register as queer. If anything, the trope of queerness would be better deployed to elucidate how camaraderie is built through a kind of 'queer bashing', expressed in the violent measures of ICS and Homeland Security against suspected terrorists and other fiends. To be clear, the descriptor 'queer bashing' is not mere metaphor where I substitute race for sex to convey the fear of racialised and ethnicised subjects in the US–Canada psyche. As Jasbir Puar and Amit Raj argue, the figure of the modern terrorist registers not only as racial, but also as a sexual monster that has elicited belligerent heteronormative patriotism.<sup>96</sup> As we watch LaGarda and Kessler take turns interrogating racialised bad guys, we see their heterosocial bond strengthen and their national differences soften. In the final episode, the confrontation with Latino gang members compels Carver to no longer view Jackson as a 'foreigner', but as a committed romantic partner.

As stated, *The Border* was cancelled after this episode. While most of the on-line commentary suggests this was because of its time-slot, which placed the Canadian drama in stiff competition with popular American shows, it is possible that other reasons may have contributed to its falling ratings. As a Muslim who grew up in the United States but now calls Canada home, allow me to indulge in some far-fetched conjecture. I would like to think that the elimination of Layla Hourani was a contributing factor. I would like to think that on some level, it was appreciated that there was representation of a recurring Muslim character who was *good*, and that when she was killed off, there was a feeling of betrayal. Make no mistake, I agree with all of Jiwani's critiques of Hourani's character, and I understand that the image of the assimilated Muslim reassures the Islamophobic imaginary that it only targets *bad* Muslims for contempt. But it was still a deep blow to my sense of belonging to find out that Hourani was replaced by a character portrayed as a victim of Islamic terrorists. I would like to think that the ideological shift in the second half of the series, which integrated Canadian and American security tactics against racialised Others, was alienating to some viewers. Again, make no mistake: I know that the notion of multicultural Canada as mosaic and acculturated America as melting pot is a distortion (usually

<sup>96</sup> JK Puar and AS Raj, 'Monster, Terrorist, Fag: The War on Terrorism and the Production of Docile Patriots' (2002) 20 *Social Text* 72, 118.

perpetuated by Canadians) of the complexity of both countries, and a reification of national difference.<sup>97</sup> But perhaps the show's failure to *survive* points to something in the Canadian imaginary that still wants to witness this difference as a moral battlefield. And maybe, just maybe, its initial popularity and subsequent decline in ratings points to a political interest in having a pop cultural critique of the gross human rights abuses that have accompanied America's 'war on terror'. While I acknowledge this may be wishful thinking on my part, it at least demonstrates the contested meanings that can be extracted from the commodity culture of Canadian television.

<sup>97</sup> Recent data suggests that Americans may actually support the ideals of multiculturalism more than Canadians: D Tandt, 'Cross-border Amity Eroding: Poll' *The Globe and Mail* (Toronto, Ontario, 9 May 2005) A.1, cited in B Beaty and R Sullivan, *Canadian Television Today* (Calgary, University of Calgary Press, 2006) 12.