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Working Paper Series

Trying to Talk to Terrorists: Ethical and Methodological Challenges in Canada

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Amarnath Amarasingam**

The Canadian Network for Research on Terrorism, Security, and Society

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Trying to Talk to Terrorists:
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Introduction

For some time now assessments of the research literature on terrorism have noted the lack of studies based on primary data (Crenshaw 2001; Horgan, 2005; 2008). For obvious reasons those engaged in studying terrorism have been either reluctant or unable to spend much time "talking to terrorists." In his authoritative 2008 survey of the literature, Andrew Silke reported that systematic interviews had been used to secure primary data in "only 1 percent of research reports" (2008: 101). There have been some noteworthy instances of doing so (Post et al. 2003; Horgan 2005; Speckhard and Ahkmedova 2005; Wiktorowicz 2005), and things have improved somewhat since Silke made his assessment (Atran 2010, Merari et al. 2010a and 2010b). But such studies remain are rare and it is imperative that we gain more access to the feelings, perceptions, and thoughts of terrorists. With the emergence and spread of "homegrown terrorism" the reasons for doing so have never been stronger. If we are to understand how and why someone becomes a terrorist, especially youth growing up in the relative privilege of the West, then we need a better grasp of what sociologists call their "definition of the situation." Admittedly, the information we might acquire from talking to the terrorists is subject to distortion, in both systematic and unsystematic ways, consciously and unconsciously (McClure 1991; Dawson 1995), and the small number of individuals we are able to interview poses problems for generalizing our findings. But if we wish to increase the validity of our insights there can be no substitute for talking to the terrorists (Speckhard 2009). We must simply exercise special care in doing so (Horgan 2005: 88, 156; Horgan 2008: 94-96).

Accessing terrorists to interview can be extremely difficult, and under normal circumstances, as John Horgan stipulates (2005: 39-40; and 2008), it depends on cultivating and exploiting personal connections with the right people, in either law enforcement, the government, journalists, or the communities from which terrorists are recruited and draw their support. Those who know best who to interview, the terrorists themselves and the security services investigating them, are barred from being much help by the dictates of secrecy. Gaining the trust of the terrorists or just those who know the terrorists can be a laborious and precarious undertaking.

But even seeking to talk to terrorists can carry a price. In many circles, including academia, merely expressing the desire to talk to terrorists is interpreted as tantamount to sympathizing with them, when moral and legal condemnation is sufficient (Horgan 2005: 38). In the Canadian context, when Prime Minister Stephen Harper was first asked about the plot to attack a VIA Rail passenger train, he said this is not the time to "commit sociology" since "I don't think we want to convey any view to the Canadian public other than our utter condemnation of this kind of violence" (Fitzpatrick 2013). In addition, social scientists wishing to talk to terrorists can find themselves chastised, quite remarkably, for falling prey to any or all of the following failings: either they are on a fool's errand, given the methodological hurdles involved in the research, they are egoists indulging in sensationalistic work to get attention, or they are naïve or willing lackeys of government and engaging in actions that pose a threat to civil liberties. If these considerations were not enough to discourage efforts to talk to terrorists, then there are the dangers, real and imagined, physical and legal, of harm to themselves or others. These are some of the deterrents met by those seeking primary data from terrorists.

Another formidable barrier encountered is the regime of ethical scrutiny institutionalized for research dealing with human subjects in most Western countries. Scholars engaged in forms of field research often experience difficulties gaining the necessary clearance from university research ethics boards (REBs). These REBs continue to be dominated by research models from the natural sciences and they tend to display a marked preoccupation with the legal liabilities of their institutions. In launching our research into the lives of Canadian terrorists, research that combined the use of open documentary sources (e.g., reports in the news media, court records, biographic and autobiographic accounts, and other academic studies) and qualitative interviews of terrorists, their friends, families, and associates (both before and after individuals became terrorists), we anticipated significant challenges in securing the necessary ethical clearance. But in the end the journey proved to be even more complex and eventful than anticipated. Ultimately we were successful and our efforts may have set certain precedents that others will find beneficial, though each case stands on its own merits.

In this report we have chosen to provide the following: (1) a brief description of the circum-

stances of our study, in terms of our activity and the research ethics regime in Canada; (2) a sense of the many stages by which we succeeded in negotiating the certification required to begin our qualitative research; and (3) a survey of the key issues raised by the REBs and how they were resolved. Of necessity, we can provide only a cursory record of the lengthy discussions required to secure the necessary approval. Our conversations with the staff and members of the REBs at two large research intensive universities were extensive and they were often frustrating for both parties. Consequently, there is a more colourful tale to be told; but not in the confines of this report. In recounting our experience due regard must be given to the confidential nature of the proceedings, in particular the two legal opinions that were secured which played a crucial role in facilitating the project. We are limited to describing the broad parameters of the process, the views exchanged, and the legal advice given. In the end, however, the REBs recognized the potential public benefit of our work and allowed this significance to offset some of their concerns, which also allowed us to deviate from some conventional ethical requirements. We owe a debt of gratitude to them for the real and sustained assistance they provided to us and their willingness to be innovative.

The Project

Our project is quite straightforward in its nature and objectives. Given the dearth of primary data on homegrown terrorists, at least detailed data anchored in actual information from the terrorists, and especially the lack of data on Canadians who had radicalized towards violence (Bartlett and Miller 2012; Ilardi 2013), we originally proposed developing more complete case studies of individual contemporary terrorists based on interviews with them, their family members, friends, and other associates. The project was entitled "The Empirical Assessment of the Lives of Canadian Terrorists" and it was one of three sub-projects of a larger grant application made by The Canadian Network for Research on Terrorism, Security and Society (TSAS) to the Canadian Safety and Security Program ("Collaborative Research on Countering Violent Extremism" CSSP-2014-Cp-2018). The grant was awarded in the spring of 2014, but budget negotiations and the time required to secure the signature of the Minister of Public Safety delayed the start of

work until the fall of 2014. During this period of time we decided, in discussions with our partners at Public Safety Canada, to shift the focus of the research primarily to the study of Canadians who were radicalizing and leaving to fight for various jihadist groups in Syria and Iraq. This decision reflected the new priorities of the government, but also the contacts we were informally developing amongst networks of potential participants in our study (stemming from previous and ongoing work related to other projects in the relevant communities). It became apparent to us that access to these individuals and those who know them, or were supporters of their cause, may be easier than anticipated, given the current media attention many of these people were receiving, the rising concern to prevent more youth from leaving, and the new role that social media was playing in fomenting and documenting this wave of "foreign fighters" (Hegghammer 2011; Malet 2013).

From the beginning we made it clear that we were not interested in securing operational information or other kinds of information that would directly incriminate the foreign fighters or their supporters or facilitate their prosecution (e.g., information about travel arrangements, contacts, collaborators, specific criminal acts). This was, of course, a primary concern for the REBs and the details of our approach to dealing with this legal risk are provided below. Rather the questions we developed to guide our semi-structured, open-ended, and informant-oriented interviews were focused on: (1) the personal and family background of the foreign fighters; (2) the social networks and sense of identity of the foreign fighters; and (3) the process of becoming foreign fighters. We were seeking to capture a finer sense of the "definition of the situation" of the participants—their perceptions and interpretations of relevant aspects of their lives and experiences, or in the case of family and friends, of the lives of the foreign fighters they knew. Consequently, we did not employ a set questionnaire. Rather we raised certain relevant topics of conversation in ways that encourage the maximum free expression of their points of view and sense of what matters. We encouraged participants to be as fulsome as possible in describing their circumstances, thoughts, and feelings, particularly with regard to aspects of the process by which they decided to become foreign fighters. This meant that no two interviews were the same, but certain themes were consistently addressed. Obviously the relevant themes were approached

in different ways, depending on whether we were speaking with a foreign fighter, a potential foreign fighter, or the associates of one, especially parents and siblings. In the latter case we have been seeking to secure as much background information on the lives and actions of the individual foreign fighters as possible, and the associate's stories and impressions of that person. In some cases, we have sought to confirm or augment specific claims made by others (e.g., the news media, the foreign fighters themselves, or other associates).

We have sought to avoid asking blunt questions about sensitive issues, seeking instead to encourage them to tell their stories and when appropriate asking questions to clarify matters or probe further. We have proceeded with a particular concern not to offend anyone, even if things are being discussed that most Canadians might find offensive. Given the tension in worldviews between committed jihadists and us, this was not always possible and the relationships that formed were marked sometimes by cycles of tolerance, intolerance, and renewed tolerance on the part of the jihadists. Trust and co-operation was lost and had to be regained in some instances through ongoing negotiations. As in the case of interviews with the exponents of other extreme views or members of seemingly deviant religious groups, a neutral yet empathetic approach had to be maintained in the face of attempts to convert us or rants condemning us for not acknowledging the truths they were sacrificing their lives for. In this circumstance we have studiously avoided using the terms "terrorism" and "terrorist" in favour of simply talking about being "foreign fighters," "jihadists" or *mujahideen*.

In order to keep the identity of the participants and the identity of others they discussed safe, we instructed the participants to avoid using names when referring to others in their interviews. Instead they were encouraged to simply use descriptions of the person (e.g., friend, teacher, spiritual leader, counselor, family member, fellow fighter). Nonetheless, there is no avoiding the fact that this was a "high risk" undertaking, and it was impossible to avoid certain sensitive kinds of information entirely.

We aspired initially to secure 30–40 interviews. Unexpectedly, we were able to complete 130 interviews in one year, including 40 with foreign fighters in zones of conflict, 60 with family and

friends of foreign fighters, and 30 with online fans, recruiters, and wannabe fighters. In the end, we can only verify that eight or nine of the fighters interviewed were Canadians, but we decided to do whatever interviews our networks of contacts made possible. With a few exceptions (i.e., when Skype was used), these "interviews" are actually extended social media dialogues between us and the fighters, stretching over days, weeks, or even months. In almost all the other cases the other interviews were more conventional face-to-face encounters and they were audio recorded.

In addition, we developed a computer program to monitor relevant Twitter accounts. As of February 1, 2016 we were monitoring 5,604 accounts and we had accumulated a database of over 3 million tweets. Working in collaboration with others, this program has been revised and improved. We are designing special algorithms to mine this Twitter database, and do such things as: detecting and tracking the language markers of the progressive radicalization of individuals or groups; detecting when someone has moved from talk to action, or left to become a foreign fighter; and the consequences and effectiveness of Twitter account suspension as a counter-terrorism measure. This work, however, is in its initial stages and little more can be said.

Recruiting Participants

Like our fellow researchers at the International Centre for the Study of Radicalization (ICSR) we soon realized a unique feature of the conflict in Syria and Iraq: the new generations of *mujahideen* (those engaged in jihad) had social media accounts, and they kept them active after entering the battlefields of Syria and Iraq. They are posting their thoughts and experiences, pictures, and are engaging in conversations with people back in their home countries. This created a unique opportunity to reach out to them, as researchers, to learn more about their motivations, their ethnic and religious backgrounds, as well as their upbringing. Our research team initially began focusing just on Canadians, but we soon expanded our search to include Westerners from the United States, Australia, the United Kingdom, and other countries. The Canadians available online seemed to be too few and we found ourselves being introduced quite readily to others, in part perhaps because the nationality of fighters is quite secondary to identification with the cause for most jihadists.

We began by sending a message (most often on Twitter) to one of the fighters, asking that they "follow" us back. Once we were each following the other on Twitter, private direct messages became possible. We then sent them a private message, introducing ourselves, the project, providing them with assurances of anonymity, and so on. As many were suspicious of us, fearing or misunderstanding that we are journalists or, worse, government agents, we welcomed them to Google us to see that we are actually academic researchers. At times, these fighters, much like with any research project, told us they were not willing to take part in research, and refused to be interviewed. Depending on the tone of the refusals, we might have tried to change their minds. Other times, we moved on to find other participants. Because Twitter routinely suspends the accounts of these fighters, we often asked interested participants to move to more permanent chat platforms like KIK messenger, Skype, and, more recently, Telegram. This ensured that we can continue to talk to them regardless of what happens to their public Twitter accounts.

The interview process is, of course, wholly unlike a conventional face-to-face research interview and the format poses several problems. First, during these text conversations, the interviewer cannot take the body language, facial expressions, and other mannerisms of the participants into consideration when asking questions and following up on answers. Second, while face to face interviews tend to last two or three hours, and are characterized by fluid back and forth exchanges, these text conversations can be quite disjointed. Two or three questions may be sent to fighters before there is a response, and then the response may only address some of the questions. Often conversations begin but lead nowhere as the interviewee simply vanishes. Days or weeks may pass before people message us back, and at that point the conversation usually has to be started again. They may forget what they have already answered. On several occasions, half way through the interview, we came to learn that our participant had been killed. Third, even when they did answer questions openly, their answers tended to be shorter than if we were conducting the interview in person—for the simple reason that people say more than they are willing to type (especially on small handheld devices). Fourth, it was clear that many of the participants remain wary of expressing some thoughts through social media no matter what assurances were provided or level of rapport was achieved.

In addition to these interviews with fighters, we also spoke to parents of fighters and many types of supporters of the jihadist worldview online. The interviews with the parents were conducted in Canada, Belgium, the United Kingdom, and the United States, and were largely obtained through traditional snowball sampling. Many of the mothers we interviewed also work through their own organizations to help other mothers in similar situations. As such, when mothers reach out to new contacts, we have also had the opportunity to ask for an interview in a completely safe space, with the guarantee of anonymity. In exchange, we are able to tell them things we learned about life in Syria and Iraq, about the Islamic State, and the motivations of the fighters we have spoken with. These interviews have been deeply rewarding exchanges for both parties. The interviews with online supporters of the Islamic State of Iraq and Syria (ISIS) and other jihadists groups, which includes some wannabe foreign fighters, have instead been (with a few exceptions) through social media and suffer from most of the same limitations as the exchanges with fighters in the zone of conflict.

Process of Securing Ethics Clearance

As indicated, the negotiation leading to the approval of this project by the REBs of both the University of British Columbia (UBC) and the University of Waterloo (UW) was protracted, and both REBs informed us that it was probably the most challenging application they had ever received. The application had to be a "multi-jurisdictional" or joint one since the funds for the project were awarded to TSAS, which is located at UBC, and the primary researchers are at UW. In the initial stages this dual application process posed problems. The procedures and online forms of the universities differed, there were inconsistencies in the advice offered by staff at the two research offices, and in a few instances there were even out-right contradictions in what was considered mandatory. Researchers in Canada abide by a quite elaborate set of national guidelines, *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans 2* (TCPS 2). But each REB operates independently, and surprisingly, we discovered they can arrive at different interpretations of these guidelines, even diametrically opposed ones. Mid-way through the process the staff of the two REBs started to work collaboratively to minimize differences in the feedback

we were receiving and this proved very helpful in advancing the application.

Canadian researchers working with humans must be familiar with the national guidelines and this includes completing a multi-hour online tutorial and being issued a certificate that REBs can verify. Applications that are deemed to involve a "low risk" of harm (physical, social, psychological, economic, or legal) to either the participants or the researchers are usually evaluated by a delegated committee of the full REB. High risk projects are handled by the whole REB. In the case of UW this means twenty-two people from a wide variety of backgrounds, not all of which are faculty at the university. The sheer size of this committee poses problems we believe, since it tends to maximize the likelihood that issues will be found and misunderstandings arise. This stems in part from the diversity of disciplinary backgrounds of the board members, their political differences, and perhaps the need of each member, in the presence of their peers, to make some kind of contribution to the assessment. In any event, in this case, as with others we have experienced, the initial response of the full board was a fairly extensive "shopping list" of variant and not fully consistent issues, some of which are quite hypothetical. It is hard to avoid the demoralizing impact of this sweeping initial response. In most cases a process of clarification, corrections, and enlightenment results in approval after one or two rounds of revisions over the course of three to six weeks. In this case we went through two rounds of revisions as well. But the extent, complexity, and uneasiness of the series of communications required were extraordinary and it took almost six months to secure approval. In this report we must be content with indicating the investment in time and energy required using the timeline of activities provided below.

Ethics Application Timeline (2014)

- July 11—initial meetings and consultations UW REB staff

- Prepared written responses to their questions and draft application

- August 18—received first legal memo from the UW Secretariat

- September 4—applications submitted simultaneously to UBC REB and UW REB

- September 13—submitted additional information requested by UW ORE (4 pages)

- September 15—UBC REB feedback received (3 pages)

- September 24—UW REB feedback received (4 pages)

- October 2—consultation with UBC REB staff

- Further legal advice received from UW Secretary (at request of UW REB)

- October 28—revised application submitted to UBC REB along with a detailed response to their feedback (7 pages)

- October 31—revised application submitted to UW REB along with a detailed response to their feedback (10 pages)

- November 11—response submitted to further inquiries from UBC REB (5 pages)

Further Interactions with the REBs (2015)

- December 18—ethics clearance given by both universities

- July n.d.—following the passage of Bill C-51, which amended s. 83 of the Canadian Criminal Code, the section dealing with terrorism, we requested a further legal opinion; our chief concern was the controversial introduction of advocating or promoting the commission of terrorism "in general" as an offence

- August 20—received second legal memo from the UW Secretariat

- September—ongoing consultations with both REBs about amendments to our ethics agreement

- October 7—application for Annual Renewal and Amendments submitted to UW and UBC REBs

- October 23—UBC REB requests additional changes to the amendment application; completed within a few days and resubmitted

- November 9—UBC REB approves annual renewal and amendments

- November 13—UW REB approves annual renewal and amendments

Key Concerns Raised in Negotiating Ethics Clearance

As if often the case, many of the revisions requested of us were of a relatively minor informative and editorial kind. Here we will seek to provide a concise overview of the areas of greatest concern. With our example in hand, others may be able to anticipate the responses of their REBs and hopefully expedite the approval process. Some of the resolutions found, however, also will be the subject of ongoing debate and controversy, in ways that are consequential for the future of terrorism studies itself.

Profiling

To our surprise the first and one of the most strident objections raised to our research was the suggestion by at least some members of one of the REBs that our project was unethical because it entailed ethnic and racial profiling. We are uncertain how this impression could have arisen, given the description of the project supplied, and the fact it was being funded by the federal government. In any event we were subject to a rudimentary lecture on the evils of profiling and provided with a list of academic readings to consult. In response we noted that both researchers were formally trained as scholars of religious studies, a field attuned to the sympathetic treatment of a diversity of cultures and belief systems. Then we drew their attention to the fact that one of the researchers had spent much of his career studying minority religious groups, debunking worries about them, and defending the principle of freedom of religious expression; while the other researcher was from a visible ethnic minority, and a religious minority, his family had come to Canada as political refugees, and the primary focus of his dissertation research had been social and political movements within his diaspora community. We also noted, with appropriate references, how the field of terrorism studies had explicitly and conclusively moved pass the search for "profiles" of terrorists in favour of understanding the process by which people become terrorists – which was the focus of the research in question. Lastly, and in line with an explicit request from the REB, we secured a letter from the formal government partners for our project (Public Safety Canada) flatly stating that the government did not condone or engage in profiling. There was some consternation on the part of the government that such a letter was

requested. We believe this request reflects the inherently political and controversial nature of academic discussions of terrorism and violent extremism. But we also think it reflects the fact that assessments of research in this area can be subject to a bias born of excessively conspiratorial conceptions of the nature and impact of government counter-terrorism efforts.

Risks

Two of the worries we encountered about the potential risks associated with our proposed research were anticipated, one was not. We knew and sought to address the obvious risks to the safety of the participants in our study and, to a lesser degree, the researchers themselves. We did not anticipate questions about how we would protect the staff of either REB or university from possible violence. This latter worry, on the part of one of the REBs, reflected, we thought, a rather paranoid and misinformed conception of the dangers posed by the individuals we hoped to study. It was suggested that an individual aggrieved by some aspect of our research may wish to seek reprisal against the universities for approving the research, in the form perhaps of a bomb or other violent assault. We could only argue that this hypothetical scenario was very unlikely, given the history or terrorism, especially in Canada, of terrorism studies in general, and that our participants were preoccupied with either fighting in Syria and Iraq, getting to Syria or Iraq to fight, or supporting the cause of ISIS and other jihadist groups there. In the scheme of things our participants considered important, we knew that our study and their interactions with us would be relatively inconsequential. Our experience also told us they were more likely to be complimented by the attention given to them and their cause, than angered by the differences in our assessments of the morality of what they were doing.

We also noted, as we had reason to reiterate in response to several other concerns, that the risks entailed in our project were not intrinsically much different from those associated with some types of research undertaken by criminologists, and other sociologists and psychologists, which have regularly received ethical clearance. We were far from the first to be studying populations whose ideology or behavior was associated with a potential for violence. But in the end we could not provide them with a way to definitively assure the safety of everyone associated

with the project. As with several of the hypothetical concerns raised by the REBs we thought our response was rather obvious and hardly warranted stating. It was clear, however, that a written response was desired, perhaps for legal reasons, or perhaps because members of the REBs were being influenced by an exaggerated popular misconception of the unstable or diabolical nature of those involved with activities labelled terrorism. Consequently, we also briefly reviewed the academic literature showing, contrary to popular opinion, that terrorists are no more likely to be suffering from diagnosable psychopathologies than members of the general population. As was often the case, however, we could only guess at the possible motivation for the specification of this "risk." Nonetheless, following the consensus instruction of the two REBs, we removed any reference to the project being approved by either of the REBs from the information and consent script we used.

In this instance, like many others, we had to fall back upon our professional judgement and expertise; a type of expertise that was lacking in the REBs assessing our proposal. We knew the research literature pertinent to our topic and had developed considerable familiarity with the constituency from which our participants would come, based on their extensive use of social media and other open online forums, as well as prior contact with this and similar constituencies for other qualitative research.[1]

This issue of professional experience and judgement also arose with regard to the risks for the researchers. There is no avoiding the fact that this research entailed "high risks" for the researchers, in terms of the relatively low threshold set by the TCPS 2.[2] But we sought to mitigate the risks in at least three ways: (1) by employing well-known and respected community youth and social workers as our intermediaries in recruiting participants for our face-to-face interviews; (2) having those interviews happen in places that balanced the need of the participants for ano-

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[1] We have to say, in this regard, that we have found REBs to be reluctant to respect the professional knowledge, training, and experience of even the most seasoned researchers, even if ultimately the REBs are usually compelled to do so. More often than not this reluctance seems to inform the rather skeptical, admonishing, or didactic tone of the requests for revisions researchers receive, which invariably feeds into the tensions which often characterize the relationship of REBs and researchers, particularly with projects involving qualitative field research.

[2] The TCPS 2 uses a simple dichotomy: research is classified as involving either "minimal risk" or "high risk." The standard for the former is specified as follows: "For the purposes of this Policy, 'minimal risk' research is defined as research in which the probability and magnitude of possible harms implied by participation in the research is no greater than those encountered by participants in those aspects of their everyday life that relate to the research" (TCPS 2, 23)

nymity and our need for the interviews to be in fairly public places; and (3) carefully stipulating that interviews or other forms of contact would be terminated if we or anyone involved in the project was threatened with harm, or simply felt seriously threatened. But in the last analysis, much depends again on the exercise of sound judgement and appropriate caution by trained researchers in the face of specific and sometimes unique circumstances (such as being asked by a participant to travel to another unknown location or to meet other people).

The REBs were concerned that we would be engaging in potentially unethical "cold calls" to recruit participants, interactions that could be offensive to those contacted, make them feel obliged to co-operate, or could expose sensitive aspects of their lives to wider public scrutiny. But our collaboration with existing social and community workers in the relevant constituencies was designed specifically to avoid this possibility. The social workers we hired on a contractual basis are well known and respected in their communities and had been working with youth to prevent criminal activity and radicalization for several years. They were committed to preventing the loss of more youth to extremist views and to mitigating the damage done to the social cohesion and status of their communities by news coverage of these issues. They had a vested interest in seeing more reliable information secured and saw their collaboration with us as an extension of things they were already doing. To access the participants in their communities it was imperative that we secure the trust of community members, at least to a reasonable degree, and the community workers acted as meditators to help establish that trust. They were not simply supplying us with names, but rather discussing the issue and project with others and offering them the opportunity to meet with us. Further, they educated us about the dynamics and concerns of the specific communities and were available to assist us in interviews should worries or misunderstandings arise (which, in fact, did not happen).

But while the use of these social workers solved one problem for the REBs, it set off others. Questions arose about the potential risks to these social workers and the risks they posed to the participants. The issue of potential reprisals arose again, this time with regard to the social workers, as well as the harm that might be done to their reputations in their communities. Questions also were raised about entrusting them with confidential and sensitive information.

On each count we were forced to reiterate that we were working with trained professionals who understood and accepted the risks. The community workers we employed already had experience working with research teams and had worked with Dr. Amarasingam on other projects, including those dealing with youth radicalization. For previous projects they received training on maintaining privacy, interview skills, handling consent forms, and working with audiovisual research methods. Since they were also professional social workers, much of this was redundant. We needed to explain that these individuals are trusted by their communities, and they agreed to take part in the project because they had spent many years working for the betterment of their communities, had been entrusted with confidential and sensitive information before, and were seen as trustworthy by their communities. They made it very clear to us, we informed the REBs, that they were not willing to jeopardize the hard-earned trust they have spent years building for any research project or relatively small contractual payment. We turned to these community workers, we stressed, because they were positioned to get people to trust us, but also because they would put the well-being of the participants first. To support this, we discussed how focus groups planned with one of the communities for another project lead by Dr. Amarasingam had been postponed for six months because one of these social workers thought the community members were not yet ready to tackle the issue of radicalization. In the end, we had to emphasize, the community workers were well aware of the risks associated with the work; in fact, they were probably better informed than the rest of us. Their involvement decreased risk, not the opposite, and their involvement increases the assurance that the identity of individuals would be kept confidential, not the opposite.

The REBs also expressed concern that the community workers, like us, could be subject to legal risks (discussed further below), if one or more of our participants became the focus of a criminal investigation. But, we pointed out, they already were engaged in discussions with radicalized youth and their friends and families in their capacity as social workers and activists on this issue in their communities.[3]

Lastly, as is standard practice, everyone involved in the study was informed that they could

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3 Other questions arose about the community workers, and the payments they would receive, which we forgo addressing here.

refuse to answer any questions or withdraw from the study at any time they wished, and without questions.

Confidentiality

Whether this study could proceed hinged in large measure on the issue of confidentiality. The primary risk incurred by the people who would participate in the study was legal. Willingly or inadvertently they might reveal information that would either incriminate them or implicate others in acts deemed illicit under the anti-terrorism statues of the Criminal Code of Canada (section 83). In fact, by either being a foreign fighter (i.e., a member of ISIS in Syria or Iraq, or other proscribed groups) or by expressing the desire to be a foreign fighter or encouraging others to make the same commitment or leave, many of our participants were violating the law under new provisions of the criminal code. In keeping with the TCPS 2 guidelines, it could be asserted that we were under some obligation to report all such illegal activity. But this would render the project impossible. Plus, while several Canadians have been stopped from leaving Canada and had their passports confiscated because they were seeking to join the struggle in Syria and Iraq, only one person has ever been prosecuted for such an offence (Mohamed Hersi, convicted in July, 2014). Legally it is far from clear just when, and to what extent, an offense is being committed when a participant is merely talking about wanting to do certain things, such as going to Syria or Iraq. Scholars and security officials recognize that holding radical views is a poor predictor of being a terrorist (e.g., Bartlett and Miller 2012; McCauley and Moskalenko 2014; Khalil 2014). As Marc Sageman, one of the most influential scholars in terrorism studies, asserts (2011: 117):

> The threat of home-grown Muslim terrorism in the West … has ignited an interest in radicalization. However, the use of this term obfuscates our understanding of this process because it has two meanings, which most analysts tend to confuse. One meaning of the term 'radicalization' is the acquisition of extreme ideas; another is the actual turn to political violence. Most people use these meanings interchangeably, implying that they are equivalent. This leads to an over-cognitive view of terrorism: if people publicly espouse political violence, they are also violent. It also implies that people do what they say. Ten years of counterterrorism practice has taught us that many people say very violent things, but few follow up with violent actions. Thousands of young people boast or brag about being mujahedin … especially on the Internet, but very few go on to

commit any acts in furtherance of violence. Law enforcement officers in the West are all very concerned about how to distinguish those who talk from those who act.

Consequently, it was agreed that our obligation to report evidence of a possible criminal offense was limited to situations where it seemed there was a real and imminent threat of harm to people or property. We explained how we could readily do so through our established contacts at Public Safety Canada and the Royal Canadian Mounted Police (RCMP). In fact, after encountering information which we decided should be reported, we were supplied with a direct number to call at the RCMP. Since none of our participants was directly involved in the instances of perceived imminent threat the question of confidentiality did not arise. We were dealing with very specific threats that came to our attention while monitoring the online networks we had become familiar with, networks that were offering support and encouragement to ISIS.

Curiously, though our overall purpose is to complete research that will assist the government in its fight against terrorism, we are ethically obliged to sustain the confidentiality of our dealings with terrorists, their supporters, families and friends, as completely as possible. Assurances of confidentiality were thought to be necessary, of course, to get people to speak with us. But even more to protect them from having what they said used against them in courts of law. As it turned out, those most in need of this protection, the actual foreign fighters and many of the wannabe foreign fighters, expressed and demonstrated little concern about such matters. On the contrary, they were quite eager to have the news of their decision to fight and their subsequent actions publicized. It indicated the truth of their cause and the strength of their commitment, and it reinforced the assertion that they had no interest in returning to live in a land dominated by the *kuffar* (i.e., the derogatory term for non-Muslims). The confidentiality of our interviews was largely irrelevant to them. It was otherwise, however, with the family members, friends and others we spoke with. But their concern was often about simple privacy and protecting themselves from stigma in their communities, rather than worries about being prosecuted or compelled to testify. In any event, in every case, whether desired or not, we undertook a series of measures to protect the anonymity of our informants and the confidentiality of our findings. Many of the steps we took are in line with standard practice for research with human subjects, but a few went further:

1. No names were used for the participants of our studies; they are anonymous. The interviews were identified by an arbitrary code, and no master list was maintained matching the code numbers to actual people, places, or the times, etc. The transcripts of the interviews were subjected to a de-identification process, by which any information that could directly identify the interviewees was removed; or at least every reasonable effort was made to do so. Once the transcripts were in hand, the original interview materials, social media records and audio recordings, were destroyed.

2. The original data and the transcripts were stored on password protected computers using encryption for the files, and the computers were in locked offices. When the information is transferred electronically it was encrypted.

3. To truly minimize the paper trail associated with research we were allowed to use a strictly verbal process to inform participants about the study and their role, as well as to secure their consent to being interviewed. This is rarely allowed in academic research, but in this case the REBs thought the demand for maximum confidentiality, to protect the legal and social interests of the participants, warranted this unorthodox approach.

4. As far as possible, all communications between potential or actual participants and the researchers were either done face-to-face or using the community workers as intermediaries. In this way we were seeking to minimize the possibility of communications being intercepted electronically. Once again, however, this was not possible in the case of the actual fighters overseas. We were aware that much of our interactions with them could be intercepted and monitored, and in many respects these participants duly took this fact into consideration in speaking with us. Once trust was established, however, we used more private and protected channels to communicate.

5. The people hired to transcribe the interviews signed confidentiality agreements, ones that were scrutinized by the REBs, and they were briefed on the need to protect the sources of the information they were transcribing.

Data Sharing

The REBs wished us to confirm that none of the original data was being shared with any other researchers and even more with our formal government partners at Public Safety Canada. This was always the intention, but formal reassurances were required. The reports for the government stemming from this research will be the same as any academic publication emerging from the work: they will be based on anonymized general findings.

Legal Issues and Advice

The advice of legal counsel was sought twice: once at the beginning of the process of securing ethical clearance for our project, and several months later when the government introduced new anti-terrorism legislation, Bill C-51. In both cases, the questions under consideration were much the same, but Bill C-51 introduced some new potential complications. The following account will not seek to address all of the matters discussed in two confidential memoranda from legal counsel. We can only discuss the broad parameters of the advice received and its consequences for our study. The recommendations we received in the first memorandum were with regard to the consent of participants, compliance with the law and records keeping, and striking a balance between protecting the necessary confidentiality of participants and protecting the researchers (and their universities) against potential exposure under anti-terrorism law. The second memorandum covered much of this material again, but with a consideration of the potential impact of aspects of Bill C-51, in particular the amendment of s. 83.221 (1) of the Criminal Code making advocating and promoting the commission of terrorism in general an offence, and the expansion of the capacity of federal government institutions to share information dealing with security issues amongst themselves. The lawyers made it clear that in the absence of meaningful legal precedents in Canada, and given the ambiguity of some of language introduced to the Criminal Code, there was little they could say that was definitive and in various ways they advised caution in how we proceeded with the research. In practical terms, the two key outcomes for the design and implementation of the research were to take steps to maximize the confidentiality of our data and the use of a disclaimer in any public presentations of our work or findings.

We will discuss the second and simpler recommendation first.

Given the wording of Bill C-51 we were advised that there was a real, even if unlikely, possibility that we could be charged with advocating and promoting terrorism "in general" should any of the material we presented to an audience (e.g., screen shots of statements made on Twitter by foreign fighters or samples of ISIS propaganda) lead someone to engage in illegal activity. As the standard for prosecution is very low and the consequences quite severe, we were advised to, at least minimally, protect ourselves by stating the following disclaimer prior to doing presentations:

> The information provided in this [insert format] is made available for information purposes only. It is not intended to advocate or promote any particular behavior whatsoever.

The use of such a disclaimer is rather unusual and, in the end, there is no assurance it will provide protection from prosecution. Erring on the side of caution one of us now employs this disclaimer in his second year university course on terrorism as well.

Generally speaking, as the lawyers stressed, the confidentiality of research data is not a right in Canada. Specific criteria must be satisfied to convince a court on a case-by-case basis to respect the confidentiality of data, and to date there is no case law on the matter in the context of anti-terrorism.[4] Further certain powers of investigation granted to law enforcement in this context may modify the general rules associated with instances of case-by-case privilege in the criminal law. The net result of this situation was a global recommendation to follow research procedures that maximized the confidentiality of the data, such as the strict de-identification of the data, the minimization of the paper trail created, and the use of a strictly verbal consent process (as discussed above). More specifically we were advised to hold close to the "Wigmore Criteria," a reasonably well-accepted legal tool for determining evidentiary privilege under common law that has been called on in cases involving the anonymous sources of journalists and academic research interviews. The Wigmore Criteria, as outlined in *R v. Gruenke*, place an onus on the researcher to satisfy four criteria:

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4 Two of the most relevant cases dealing with the confidentiality of academic research findings from other contexts in Canada are Re Inquest of Unknown Female, Oral Reasons for Judgement of Corner L.W. Campbell, dated October 20, 2004, and R. v. Parent, 2014 QCCS 132 (CanLII).

(i) the communications between the researcher and the participant must originate in a confidence that they will not be disclosed;

(ii) confidentiality must be essential to the relationship between the researcher and the participant;

(iii) the community must deem this relationship as one to be diligently fostered; and

(iv) the damage to the relationship must be greater than the benefit gained through disclosure.

Case law indicates that courts will consider the details of the confidentiality agreement itself, the ways that the confidential information is used and stored, and any other indications of the degree to which confidentiality was promised and maintained.

In consultation with the two REBs we decided that in the balance of the ethical responsibilities facing us it was necessary to place a priority on demonstrating an expectation of confidentiality in order to best protect our participants from potential legal harm, even if no absolute assurances of confidentiality are in fact possible. In other words, we decided to strike a practical compromise between the public significance of the research, some of the conventions of informed consent, and the need to maximize confidentiality.

Concluding Remarks

The process of securing ethical clearance for our project was rather exhaustive and there were many misunderstandings along the way, most of which we have only alluded to in this brief report. In the end, though, we would encourage others to persevere and seek to gain the permissions necessary to do similar research, recognizing that most REBs will have to be educated about pertinent aspects of terrorism studies. We hope our efforts have set something of a precedent that can be helpful to others. But this is a politically charged topic and one which is subject to many misconceptions and disputes. That said, in the end there are a few key points to take away from our experience:

1. The entire process hinged on striking the right balance between pursuing a risky research project that has a high value in terms of larger public interests and holding strictly to the

TCPS 2 guidelines and conventional practices of the REBs. The TCPS 2 allows for this possibility but, we suspect, it is not something most REBs are familiar with. Consequently, the onus falls on the researchers to argue the case and educate the REBs on this point.

2. Ways are available for making this kind of research less risky for all the parties involved (as delineated above), and the most important measures are ones to assure the confidentiality of the process and the data.

3. To secure the kinds of primary data necessary to make advances in terrorism studies we must continue to try to talk to terrorists, and this always will be a high risk endeavour and all of the safeguards put in place cannot fully circumvent the potential liabilities. Researchers and their universities must acknowledge this fact, yet find the courage to take up and support this important work.

We hope that our efforts will not be scuttled, in the end, by a more short-sighted effort to use our data to augment the investigation or prosecution of an individual or group suspected of terrorism. As stated, we have sought to avoid touching on any of the operational details that are usually most pertinent to such criminal investigations. Our focus is the perceptions and thoughts of our interviewees with regard to their experiences and situation, and once the interviews have been transcribed and stripped of identifiers we are not able to link the data with specific individuals. We are seeking to develop a more generic picture based on the synthesis of aggregate data, with due consideration to distinguishable variations, and we are very cognizant of the obligation to defend the confidentiality of our interviewees and our data for ethical reasons and to defend the feasibility of more research involving talking to terrorists.

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