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Ethics on the radar: exploring the relevance of ethics support in counterterrorism

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2. Research design and background

In this chapter, the research design and background of this thesis will be presented. First, the definitions used in this research will be addressed and clarified. Next, the research methodology and background will be explained. In addition, the limitations of the research will be acknowledged. To the extent possible, mitigation strategies to address the identified limitations or utilize the potential benefits of the proposed research will be put forward. Finally, the research ethics of this research will be highlighted.

2.1 Definitions

This section will provide and clarify definitions of the key concepts used in this research. To avoid getting lost in debates on definitions, I will present and weigh the key arguments supporting the chosen definitions. The main concepts used in this research are terrorism, counterterrorism, ethics, ethical dilemmas and ethical issues. These concepts will be defined below. As is often the case, there are many potential definitions to consider before justifying the ones used in this research.

Criteria

The basic criteria underlying the choice of definitions in this research are twofold. First, the definitions should be widely used within the practice of counterterrorism. Second, they should not be seriously contested within either the scientific or the professional communities. This is to ensure that the definitions are situated in the focal area of this research: the *practice* of counterterrorism and the explorative *application* of ethics support. Investigating the validity and diversity of definitions is, in itself, not the focus of this research.

Terrorism

The most difficult definition to provide and justify is of terrorism itself. There is no international consensus on a definition of terrorism (Bakker, 2015b; Crenshaw, 1995; Hoffman, 2006/1998; Muller et al., 2003; Schmid, 2011, 2004). This is because political violence is about politics and so, to a certain extent is the struggle to define terrorism. As it has frequently been observed:

"... one man's terrorist is another man's freedom fighter..." (Schmid, 2004: 27). Nevertheless, an extensive survey into terrorism studies has identified a few important notions that I seek to reflect in the definition to be applied in this thesis. First, terrorism is about violent action (or the threat thereof) by non-state entities that should be distinguished from violent state action such as terror (Hoffman, 2006/1998). Second, based on long-term international comparative research, the fear caused by the threat or actual use of violence against, often arbitrary, targets has been identified as a key component of terrorism in many definitions. An important additional aspect is the political motivation of the perpetrators (Schmid, 2004) and the inabilities of target societies to counter fear (Furedi, 2007). Third, the use or threat of violence is not primarily directed against the victims caught up in the incident but at a wider audience within society (Jenkins, 1975). Terrorism intends to "claim the attention of the many" and to "alter the attitudes and behaviour of multitude audiences" (Crenshaw, 1995: 4). Fourth, the occurrence or threat of acts of terrorism cannot be detached from the way states react to terrorism. The language and actions through which states respond to terrorism contribute decisively to the theatre of fear (De Graaf, 2010, 2011). If states take this performative power too far, states themselves "could be a stimulus for blind rage and aggression" (Nussbaum, 2003: 251).

For the definition to be applied in this thesis, it is crucial that it meets the basic criteria noted earlier and, at the same time, is applied within terrorism practice. However, it should avoid reflecting a "we-know-it-when-we-see-it" attitude "that easily leads to double standards which produce bad science and also, arguably, bad policies" (Schmid, 2004: 1). Given the focus on the practice of counterterrorism, this research will adopt the widely used governmental definition in the Netherlands since this also meets our criteria. 'Terrorism' in this research is therefore defined as "the threat or preparation of, or the committing of, serious violence based on ideological motives against people, or deeds aimed at causing socially disruptive material damage with the goal being to cause social change, to instil fear among the population, or to influence political decision-making" (National Coordinator for Counterterrorism, 2011a: 20). In addition to the usefulness of this definition from the point of view of the practice of counterterrorism, it also emphasizes that this definition only applies in a

democratic context. This democratic aspect recognises that the applicability of the label terrorism depends on the specific context, implying that political violence could be a form of resistance under undemocratic conditions.

Counterterrorism

In this thesis, I consider 'counterterrorism' to be all efforts directly aimed at mitigating the risk of terrorism. In general, these efforts are taken by democratic states and by their civil societies. However, this thesis is looking only into the efforts undertaken by states and state authorities. It should be noted that the range of authorities involved in countering terrorism has expanded over the past decade. In the early days, counterterrorism was mainly performed by security and intelligence services and law enforcement authorities but, nowadays, the range of actors has expanded and also includes educational institutions and social workers (Bakker, 2012). This expanded set of actors also broadens the potential range and distribution of ethical issues. As such, counterterrorism is a complex process in which many actors are involved in a wide variety of operational processes, bureaucratic procedures and analytical activities – all under the ultimate supervision of politicians. Counterterrorism thus implies the involvement of a wide network of national and international partners.

Ethics, ethical issues and dilemmas

'Ethics' is considered here as moral philosophy, a concept coined by Aristotle with a very rich scholarly history (Aristotle, 1999). For the sake of this multidisciplinary research, a definition will be used that is both widely accepted and allows one to engage the application of ethics within professional practices. As such, ethics is defined as the activity of considering what is good and right to do in a specific situation, rather than simply following rules and the law (Fenner 2008: 3).

This thesis will also differentiate between an ethical *dilemma* and an ethical *issue*. An ethical *dilemma* is seen as a specific situation in which one or more actors are facing two or more conflicting values that seem irreconcilable in terms of future action in the situation the values are referring to (Fenner 2008: 174). An ethical *dilemma* is, due to its situational occurrence, quite concrete and

shaped by the various details involved. The concept of ethical *issues* is used in this thesis to refer to ethical tensions more generally, and goes beyond a concrete ethical dilemma. Ethical issues could be considered as a cluster of ethical dilemmas. The central dilemma used in the theoretical part is a grave and spectacular dilemma concerning the dealing with a hijacked plane. In the daily practice of counterterrorism there are many more routine dilemmas of less spectacular nature. However, it is not always immediately clear from the beginning of a certain situation whether professionals are dealing with a grave or a routine dilemma. Checking a box in an excel spreadsheet within the framework of international intelligence exchange appears rather a less spectacular routine issue. However, in the end it can still have grave consequences as it may lead to placement on a watch list that might trigger repressive action by foreign authorities. It could even turn out to be a matter of life or death as it may lead to the deployment of a drone abroad. The issue of dealing with a potentially hijacked plane is considered by outsiders as grave and more spectacular case that will not be a matter of routine to the practice of counterterrorism. However, the procedure to deal with the suspicious status of a plane occurs a couple of times each month in the Netherlands. This makes that a grave ethical issue can be at the same time also a routine issue to counterterrorism professionals. Obviously, the majority of cases turn out to be not a real threat but each case is handled as a potential real case.

When turning to the application of ethics support, through the tool of moral case deliberation, it becomes apparent that it is more nuanced to refer to activities related to ethics support rather than to applied ethics. In part, this is due to the fact that the activities are positioned from the inside: rather than an external critique of practices, the point of departure is an embedded attempt at ethics and interactive practice improvement (Abma et al., 2010: 246). Further, the practical activities are oriented towards fostering interdependent practices in terms of responsibility rather than at identifying and defending legal norms (Abma et al., 2010: 248). The definition of 'practice' will be provided in Chapter 3 as the discussion unfolds.

2.2 Methodology and background

Scientific disciplines

The methodology used within this explorative research will be clarified by first providing some general characteristics. Subsequently, it will be clarified on a chapter-by-chapter basis which methodology has been chosen to answer which research question. Generally speaking, this research draws on and gains strength from different disciplines including terrorism studies (Bakker et al., 2017; De Graaf, 2010; Van Leeuwen, 2003; Waldmann, 2005), political science (Hillebrand, 2012; Hollis and Smith, 1990; Münkler, 2003), social sciences (Bauman, 2007; Bauman, 2010; Bauman, 2006; Beck, 1986; Beck, 2007; Flyvbjerg, 2001; Waldmann, 2005) and applied ethics (Benjamin, 1990; Becker, 2007; Bobbio, 2010; Dartel and Molewijk, 2014; Hartman et al., 2016; Kinsella and Pitman, 2005; Molewijk, 2014; Roessler, 2010; Singer, 2005; Stolper, 2016; Svava, 2007; Weidema, 2014; Widdershoven, 2010). In terms of the last discipline, particular interest is devoted to studies on ethics and security and, to a lesser extent, counterterrorism (Ammicht Quinn, 2016, 2014; Baarda and Verweij, 2006; Bakker, 2015; Buijs, 2002; Den Boer and Kolthoff, 2010; Deutscher Präventionstag, 2016; Ginbar, 2008; Van Gunsteren, 2004; Habermas and Derrida, 2004; Hillebrand, 2012; Ignatieff, 2004; Miller, 2009; Reding et al., 2013; Van Elk, 2017b; Weidema and Molewijk, 2017).

Research in context of state secrets

Unlike the practice in some other research fields there are no blueprints to conduct a research on ethics support in the rather closed field of counterterrorism dealing with state secrets. Because of this all methodological steps taken in this research are fully explained and accounted for in this chapter. Where necessary additional background information about the research steps will be provided. In spite of the secrecy of the practice of counterterrorism the chosen methodology provides full transparency as all empirical claims supporting the findings are non-classified.

In order to answer the main research question, about the current relevance of the ethics of counterterrorism and the added value of ethics support within the practice of counterterrorism when dealing with ethical issues, several research sub-questions have been formulated. The practical component of the research

was carried out within the Office of the Dutch National Coordinator for Counterterrorism and Security by holding interviews and using moral case deliberation.

An important remark should be made regarding the meaning of numbers of research participants in counterterrorism studies. In total, 53 persons participated in the moral case deliberations of this research. Of those 53 persons 43 provided input through questionnaires, nine participated in semi-structured interviews. This level of participation can seem rather limited against the background of empirical studies in other areas. For the field of terrorism and counterterrorism, however, this is not the case. A seemingly small sample in terrorism and counterterrorism research can embody a large proportion of the entire research population as has also been shown when researching a terrorist network (Schuurman, 2018). Therefore, when evaluating the value of terrorism studies, one should not overly emphasize the size of the research population using a traditional social science perspective to which the normally closed and inaccessible practice of counterterrorism is rather unknown. Although the research sample of this thesis is few in number when compared to traditional social sciences, it still catches a substantial part of the practice of counterterrorism at the Dutch National Coordinator for Counterterrorism and Security and can be considered as valuable for this explorative study.

The remainder of this section will discuss the research method(s) used to answer the individual research sub-questions. Following this, I will deal separately with the two empirical methods: interviews and moral case deliberation.

Theoretical part

In the theoretical part, the following methods will be used to address certain research sub-questions. In Chapter 3, key ethical approaches will take center stage as dictated by research sub-question 1: What is the relevance of key ethical approaches for dealing with ethical dilemmas in counterterrorism? The identified key concepts will be explored in the light of a fictional case. The second research sub-question: What can the concept of 'compromise' contribute to the handling of ethical dilemmas in 'counterterrorism as practice'? will be addressed

in Chapter 4 through literature research. Chapter 5 will explore the range of ethical issues that counterterrorism professionals face based on literature research, and from this develops a typology of ethical issues. As such, this chapter will address research sub-question 3: How can the ethical issues faced by counterterrorism professionals be categorised?

Empirical part

In the empirical part of this thesis, two other methods are used: semi-structured interviews and moral case deliberations. In Chapter 6, interview data will contribute to answering research sub-question 4: How are counterterrorism professionals in the Netherlands dealing with ethical dilemmas? The focus then switches, in Chapter 7, to moral case deliberation, with the focus on research sub-question 5: What is the relevance of the method of moral case deliberation to the practice of counterterrorism? Literature research leads to an analysis of the philosophical roots of moral case deliberation, which provides background for its empirical application. This discussion is included in the empirical part of the research because it explores the potential relevance of moral case deliberation to the practice of counterterrorism and is closely interlinked with the concrete application of moral case deliberation within the practice of counterterrorism. Chapter 8 will move on to the explorative concrete application of moral case deliberation. In this chapter, research sub-question 6 will be addressed: What is the added value of applying the method of moral case deliberation among counterterrorism professionals in the Netherlands to the practice of counterterrorism? This chapter draws on an explorative application of moral case deliberation among counterterrorism professionals at the Office of the Dutch National Coordinator for Counterterrorism and Security. The experiences of the counterterrorism professionals are captured through explorative analyses of the open answers to questionnaires with open answers, and the information provided will be analyzed in this chapter.

Concluding part

In the concluding part, Chapter 9, the main research question will be answered: What is the current relevance of the ethics of counterterrorism and what is the added value of ethics support within the practice of counterterrorism? This

chapter draws together all the preceding findings from the previous chapters and will also provide reflections and recommendations for further research, policies and practices.

As the explanation of the research methodology as well as relevant background information is integrated in this chapter, I will turn next to the two empirical sources of this research: interviews and moral case deliberation.

Interviews with counterterrorism practitioners

Semi-structured interviews, held with counterterrorism practitioners at the office of the Dutch National Coordinator of Counterterrorism and Security, were an important source of insights into ethical dilemmas in the field of counterterrorism. The main objective of these interviews was to gain an impression of the sort of ethical issues that counterterrorism practitioners are facing, how they deal with them, to what extent they are trained to handle them and what recommendations they have for their organization in handling them. Gaining this understanding through interviews was fundamental to the following chapters. It also ensured that the understanding of the context would go beyond the potential limitations of first-hand experiences of the author.

These interviews adopted a semi-structured format in order to encourage a conversation and be able to explore ideas that developed during the flow of the interviews (Baarda, 2013: 150). The interviews were guided by a set of questions to be addressed (Baarda, 1995: 162) and can therefore be understood as "semi-structured" (Baarda, 1995: 26). These questions more-or-less define the topics to be addressed, rather than form a rigid set of questions with limited answers. This method is particularly appropriate where ideas, opinions or experiences need to be explored that are related to a complex, and often new, problem that can be considered as somewhat taboo. As such, this technique seems very apposite for the issue of ethical dilemmas within the practice of counterterrorism. The major difference with a structured interview is that a semi-structured interview comes across more like a normal conversation, in which

careful listening, maintaining the flow of the conversation and asking good questions are key (Baarda, 1995: 17-19).

The interviews took place in February and March 2016 at the offices of the National Coordinator for Counterterrorism and Security. For counterterrorism professionals this was a very busy period due to attacks in Brussels which influenced the overall availability for interviews in a negative way. Against this background it might be even remarkable that nine professionals took the time and energy to participate in this research. The interviews lasted between 45 and 120 minutes with an average length of 60 minutes. The interviewees had earlier responded positively to a broader invitation (sent 11 January 2016) to join the moral case deliberation sessions (the full text of the invitation letter is included in Chapter 8). A further request was then sent to all those accepting this offer, asking if they would be willing to also participate in this preliminary interview round. In total, ten employees indicated their willingness to participate in a semi-structured interview. Eventually, nine interviews were held. One employee who initially indicated interest was unavailable due to a change in workload. Those who reacted to the interview invitation were predominantly counterterrorism professionals. Only one interviewee came from another field of expertise and was included in this research due to their experience in dealing with ethical dilemmas. Given the overall number of respondents, a qualitative analysis of the contributions of the respondents suits well as relevant perspective can be identified (Alvesson, 2011). This implies that relevant characteristics will be subsequently identified, codified and analysed (Rubin and Rubin, 2005). The results gained with this method are explorative in nature (Baarda, 1995: 79-80, 153).

All the interviews were held in an open atmosphere in which the respondents shared their personal reflections on the issues addressed. In addition, all the respondents provided their consent to the procedure of the interview, accepting their inclusion in a summary report of the interview that is only accessible to the researchers and does not include their names. When explicitly asked, none of the respondents wanted to receive a copy of the report for approval. The interviewer/researcher knew all the respondents as colleagues but had

cooperated closely with only one of them. There was no personal relationship between the interviewer and any of the respondents. Further, there was no shared involvement of the researcher and any of the respondents in a concrete ethical dilemma or professional conflict.

The detailed questions guiding the semi-structured interview are presented below.

Questions guiding the semi-structured interviews

- “1. What is your current function? What relevant previous functions did you fulfil?
2. To what extent do you or did you face ethical dilemmas in your work?
3. How did you deal with those ethical dilemmas in general?
4. Are there any specific experiences with dealing with ethical dilemmas that you want to elaborate on?
5. What kind of mechanism or institutional arrangements are in your organization (or in relevant organization(s) where you have been working previously) in place to deal with ethical dilemmas?
6. Did you make use of those mechanisms or institutional arrangements? If yes, why and what are your experiences? If no, why not and what are your experiences?
7. What kind of training is in your organization (or in relevant organization(s) where you have been working previously) available to deal with ethical dilemmas?
8. Did you participate in any of the training courses? If yes, why and what are your experiences? If not, why not and what are your experiences?
9. Given your overall experiences, would you suggest to alter, add or skip any mechanism or institutional arrangement to deal with ethical dilemmas?
10. Given your overall experiences, would you suggest to alter, add or skip any training element to your organization to deal with ethical dilemmas?
11. Are there any other remarks, observations or suggestions you want to share?
12. Would your organization (or in the relevant organization(s) where you have been working previously) be willing to run a pilot of MCD regarding potential ethical dilemmas as part of this research (with a strict research protocol in place protecting the confidentiality of cases as well as persons and institutions involved)?”

Moral case deliberations

The information gathered through experiences with and analysing the questionnaire of the moral case deliberations is another source of empirical data in this research. This deliberation took place within the Office of the Dutch National Coordinator for Counterterrorism and Security in 2016. The Dutch National Coordinator for Counterterrorism took an interest in this issue as early as 2009, when the first counterterrorism coordinator Tjibbe Joustra identified ethics and counterterrorism as a strategic theme alongside other more threat-related issues (National Coordinator for Counterterrorism, 2011b: 40). The author of this thesis became involved in these early stages and coordinated internal efforts to make that intention as concrete as possible. This strategic orientation was continued by the second counterterrorism coordinator Erik Akerboom. It became more visible to the outside world as a public conference on ethics and counterterrorism was organized by the national coordinator in cooperation with the Netherlands Intelligence Studies Association (NISA). Many contributions to this conference were collected and published in a Dutch volume (Kowalski and Meeder, 2011).

Under the third counterterrorism coordinator Dick Schoof, RAND Europe was commissioned in 2012 to investigate what counterterrorism professionals could learn from the way professionals in other sectors handle ethical issues. In 2014, I started my Ph.D. research on the ethical dimensions of counterterrorism. While engaging in the regular activities of a Ph.D. researcher, I had two additional goals. First, I had to create a solid basis for holding moral case deliberations within the National Coordinator for Counterterrorism and Security. In order to ensure an approved implementation of moral case deliberation (Molewijk, 2014; Plantinga et al., 2012; Stolper et al., 2015, Weidema, 2014), I completed the course run by the VU Medical Centre Amsterdam and the International School for Philosophy and was certified as a Facilitator of Moral Case Deliberations in 2014. Second, I wanted to connect to national and international practices of counterterrorism. I organized an international expert meeting on the ethics of counterterrorism, bringing together professionals from ten Western countries, including the Netherlands. Many contributions were published in 2017 (Kowalski, 2017a). At that time it was the intention to lay the foundation for an international comparative research which turned out not to be feasible as it was

not possible to overcome practical and legal reasons to get engaged in such a research. In the Netherlands it was not feasible to gain other government authorities as parties of this research as well. Against this background, it is remarkable that the National Coordinator for Counterterrorism and Security was willing to enable this research.

In terms of applying this approach within the National Coordinator for Counterterrorism and Security, concrete steps were also taken. In 2015, the management team of the National Coordinator for Counterterrorism and Security agreed to internally implement the moral case deliberation method, and gave permission for a scientific publication on the factual implementation that took place in 2016. As such, parts of this thesis have been already published (Kowalski, 2017a, 2017b, 2017c). All three publications have also been approved by my Ph.D. supervisors for inclusion within this thesis, as the work formed part of the Ph.D. research.

An important point about the timing of the research period already raised regarding the interviews should be mentioned here as well. The series of moral case deliberations took place in a period which was particularly dynamic to counterterrorism professionals. The terrorist attacks in Brussels and parliamentary debates about the background to those attacks in particular, and terrorism in general, caused an increase in the workload for the professionals, which led to last minute changes in agendas and commitments.

In response to the invitation to participate in a moral case deliberation, 65 of the circa 350 employees of the National Coordinator for Counterterrorism and Security responded positively. In the period from March to June 2016, seven moral case deliberation sessions were organized involving 53 employees. All these respondents participated only once within the series of moral case deliberations documented in this research. The participants were working in the fields of counterterrorism, national security or cybersecurity. However, a large majority were either fully or partly involved in counterterrorism, as the figures below will demonstrate. In May 2016, all members of the management team and all team leaders (in total around twenty people) who were present at a special management event also participated in a moral case deliberation. The reason for

this additional exercise was the poor representation of managers in the responses to the general call for participation sent to all employees. Once the word spread, additional moral case deliberation sessions were organized for the Summer School of the entire Ministry of Security and Justice in 2016 and for the Academy of Security and Justice in 2017. These later meetings do not contribute to this thesis since they were mainly related to issues other than terrorism and counterterrorism. In the aftermath of this project the Ministry of Justice and Security decided to build a pool of certified facilitators of moral case deliberation to serve on specific requests the wider department of justice and security. This step has also been framed by the Minister of Justice and Security as a contribution to organizational learning and change within the Ministry of Justice and Security (Ministerie van Veiligheid en Justitie, 2018). More recently the introduction of moral case deliberation has also been presented by the leadership of the Ministry of Justice and Security as a contribution to a morally fit organization (Lamboos, 2019).

There are many different procedural models for running a moral case deliberation (Molewijk, 2014; Stolper, 2016; Weidema, 2014). For this research, the method developed by the Vrije Universiteit Medical Centre (VUMC) in Amsterdam has been chosen. The reasons behind this choice are twofold, both of a practical nature. First, the VUMC procedural model is the one I had been predominantly trained in. Second, this model offers good flexibility in adjusting the exact observations of the different stages to the course of the dialogue, group dynamics and, to a lesser extent, external circumstances that might influence the dialogue and call for adjustment.

The VUMC method consists of the following stages:

1. Introduction to the method
 2. Formulation of the dilemma
 3. Clarification and transposition
 4. Identification of values and norms
 5. Search of alternatives
 6. Individual weighing
 7. Harvesting: similarities and difference regarding the case in question
 8. Reflection on moral case deliberation itself
- (Molewijk, 2014; Hartman et al., 2016: 260).

When it came to individual reflection on ethical dilemmas, a handout was presented to all the participants. This handout was guide to the reflection about the specific case addressed in the moral case deliberation only and did not serve as an evaluation of the moral case deliberation. The handout was developed in order to structure the thoughts of the participants about the ethical dilemma at stake when individual reflections were presented within the group. For reasons of confidentiality, the notes made on these handouts remained with the participants and do not form part of the data used in this research.

Questionnaires were used in this study in order to gain an impression of the value added by moral case deliberation in this situation. When designing the questionnaires, the initial idea was to use evaluation methods already proven effective in the healthcare sector. The application of moral case deliberation in a European healthcare setting had led to the development of an evaluation instrument for clinical ethics support (Svantesson et al., 2014). Within this evaluation instrument of the EURO MCD, six categories were distinguished: enhanced emotional support, enhanced collaboration, improved moral reflexivity, improved moral attitude, organization-level improvement and concrete results. Ultimately, the EURO MCD evaluation method used in the healthcare field was not implemented in this research. Since this was the first implementation of moral case deliberation within practice of counterterrorism, it seemed sensible to select an open approach and develop our own understanding of the potential added value in a, so far, new and completely different field. This approach could lead to a different categorization of the added value than that explicitly developed for the healthcare sector. Using an open format would avoid channelling responses towards previously chosen categories and could enrich the variety of responses.

It is important to note that the decision to use open questions also reflects another deliberate choice to conduct this study as qualitative rather than quantitative research and as an explorative pilot embedded in a professional practice. This was because the limited population size was likely to lead to a sample that was too small to develop meaningful statistical observations. Further, due to the lack of a control group and the lack of any pre-existing data

on ethics support or moral case deliberation within the practice of counterterrorism, a quantitative approach would make little sense. As such, a qualitative approach seems more appropriate for exploring the value of moral case deliberation in the practice of counterterrorism.

The questionnaire used to elicit responses from the participants is presented in the next section. Approval from the Ph.D. supervisors was obtained before utilising the questionnaire within the framework of this research.

Due to the confidentiality attached to the moral case deliberation sessions and the ethical issues addressed, responding to the questionnaires was on a voluntary basis. The safeguards laid down in the research protocol discussed previously also apply to the use of the questionnaires, which were handed out at the end of each session. The completed questionnaires were left in the room at the end of each moral case deliberation and were collected by the facilitator at the very end of each session. This process was followed primarily to stimulate a direct response, but was also used to encourage any response at all. Distributing the questionnaire with a request to return them by some later date was considered unlikely to boost the return rate. In addition, returning forms individually would undermine the character of an anonymous response. Further, the option of returning the forms to a centrally located box was not considered realistic given the large number of physical and biometric barriers within the building. The fact that the participants worked in a fast-paced office environment may be a factor in why some participants failed to return their questionnaires. Many participants had to rush back to their desk immediately after the moral case deliberation finished.

What did the implementation of the moral case deliberation project within the National Coordinator for Counterterrorism and Security look like? As already mentioned, the National Coordinator for Counterterrorism and Security management team approved, in November 2015, the proposal to start applying moral case deliberation in the first half of 2016. The proposal centered on joint dilemma workshops for staff and line managers of all departments, based on an open registration format. Adopting the moral case deliberation method, the plan

was for staff members to enter into dialogues regarding the ethical dilemmas they encounter at work.

The questionnaire provided to the participants at the end of the moral case deliberation sessions contained the following questions.

Questionnaire for participants of the moral case deliberations (MCD)

1. Do you work in the field of counterterrorism or (partly) related to counterterrorism?
2. Did you experience ethical dilemmas in your work before joining the MCD, if yes, what kind of ethical dilemmas?
3. If applicable, how did you deal with those dilemmas?
4. Did the MCD change your view on dealing with ethical dilemmas?
5. How useful did you find the moral case deliberation? (on a scale of 1 to 5, 1 very useful, 2 useful, 3 neutral, 4 not particularly useful, 5 not useful at all)
6. What is the most important insight of the MCD?
7. What would you recommend regarding the role of ethics within your organization?
8. How do you rate moral case deliberation as a method (on a scale of 1 to 5, 1 very good, 2 good, 3 neutral, 4 poor, 5 very poor)?
9. Are there any other observations or comments you want to share?"

An important characteristic of the scale was to allow for a neutral score (of '3') rather than force participants to be either positive or negative. Selecting a scale from one to five, whereby one reflects a high appreciation and five little appreciation, could, in hindsight, perhaps have been organized the other way around. From a psychological point of view, it could make more sense to give a higher score if your appreciation is higher. On the other hand, the applied scale is not that uncommon in the world of grading, as the entire German school system is based on a method of grading in which the lowest number represents the highest appreciation, or the American system of higher education where the first letter of the alphabet reflects the highest appreciation. Nevertheless, the scale was clearly explained in the research and the scores and the written comments seem consistent.

Further, the majority of the questions were qualitative, and the explorative analysis of the responses to the questionnaire of the moral case deliberations is thus primarily qualitative in character. As mentioned above there is no methodological blueprint to analyse moral case deliberations within the largely closed practice of counterterrorism. The analysis of the moral case deliberations has been guided by techniques of qualitative analysis (Baarda, 1995, 1996, 2013) and interpretative qualitative research (Macklin and Whiteford, 2012). I conducted the analysis as follows: The results of all questionnaires have first been collected in a spreadsheet in order to provide an overview of the entire results. Based on this overview I codified the content of the different answers in a search for commonalities, differences and interdependencies. The codification allowed subsequently for two follow up steps: first, it was feasible to distinguish between different more general categories. Second, it was also possible to express how often aspects of a certain category have been mentioned. In sum, the qualitative analysis of the questionnaires allowed for an explorative inventory of insights reportedly raised by the pilot of moral case deliberations. This analysis has been discussed with my Ph.D. supervisors.

2.3 Limitations

The potential limitations of this research approach will be discussed in terms of three aspects: the researcher, the interviews and the moral case deliberation. As part of the discussion, mitigation strategies to counter the potential limitations will be explained. In addition, the potential benefits that might counterbalance potential limitations will be noted where appropriate.

Researcher

First of all, it could be a limitation that the facilitator and the researcher are one and the same person (Cheetham et al., 2018). This could suggest there might be a bias towards involved individuals and the issues discussed. It is also possible that participants in the moral case deliberation have a certain biased, personal standing towards the facilitator/researcher, which could color the research findings. Another potential limitation is the fact that the researcher was employed by the National Coordinator for Counterterrorism and Security while the moral case deliberations were being implemented. Being employed and doing research within the same organization, especially sensitive research, can influence the impartiality of the researcher. However, when conducting the majority of this research, the researcher was employed by the independent supervisory authority responsible for the entire field of justice and security, the Inspectorate of Justice and Security. This can be considered as a countervailing force to the previously mentioned potential limitation. Similarly, the supervisors of this thesis can also be seen as a check on potential bias.

It was not possible to mitigate this limitation through comparing the results with other findings since no comparable research within the practice of counterterrorism has been reported, nor were there any other methods available that seemed promising. Given these limitations, one should first and foremost see this research as explorative in character and view the findings in this light.

As mentioned earlier, it was crucial to have someone with security clearance and a thorough understanding of the practice of counterterrorism facilitating the sessions and conducting the research. The organization, implementation and

evaluation of the workshops were in the hands of the author of this thesis who holds the highest security clearance issued by the General Intelligence and Security Service (AIVD). The author was occasionally assisted by an immediate colleague with the same security clearance and also certified as a facilitator of moral case deliberations. This security clearance was crucial in gaining sufficient support from the management team of the National Coordinator for Counterterrorism and Security and the trust of all potential participants.

In addition to the security clearance, it was also helpful to be a counterterrorism insider and to know what the deliberations were to be about. From a theoretical standpoint, however, this insider position is not a necessary condition, as an outsider might be inclined to ask challenging questions and to approach the issues in an unbiased way. Given the sensitivity regarding discussing ethical issues in counterterrorism and publishing about them, it was especially critical in this pioneering phase to gain approval and trust before starting. This underlines the potential benefits of having an insider undertake this research. Future research in this field could, however, overcome these limitations by bringing in an outsider with an appropriate security clearance.

Interviews

A second aspect when discussing potential limitations is the interviews. The interviews with counterterrorism practitioners from the National Coordinator for Counterterrorism and Security were part of broader project in which all employees of the National Coordinator for Counterterrorism and Security were invited to participate in moral case deliberations. The main aim of this project was to explicitly address ethical issues at work and to publish the findings of the research. However there were limitations which should not be ignored. First, the fact that respondents had to volunteer to be included in this research might question their representativeness, or suggest the possibility of a selection bias. It could be that those who sense they face ethical dilemmas might be more inclined to volunteer than those who face few or no dilemmas. Second, the statements made in the interviews are not checked against facts, so there is some uncertainty about the accuracy of the statements and claims. However, at least with questions 5 to 8, it was possible to carry out a general check of the factual elements. That is, unlike the initial questions, it was possible to check whether

institutional arrangements, training courses etc. were in place. An additional limitation is that the respondents invited to discuss how arrangements to handle ethical dilemmas are designed might have a biased agenda (whether personal or otherwise) that could lead them to give untruthful or exaggerated responses. This potential limitation was mitigated by using the semi-structured nature of the interviews to clarify positions and underlying circumstances as effectively as possible.

Moreover, one should note that none of the respondents were in a formal conflict with the National Coordinator for Counterterrorism and Security as their employer. This is important since any such respondents might be tempted to exaggerate their responses and distort the situation they are describing. This would also not be desirable since they could violate obligations regarding the confidentiality of their specific work, which could undermine the support for this research. Given these concerns, if such a respondent had applied to participate, the request would have been turned down, or the responses would not have been integrated in this research without further checks and annotations. However, in practice, this was not an issue.

There are compensations and mitigating circumstances for accepting these potential limitations. First, since the goal of this research is to identify ethical dilemmas in daily practices, receiving responses from those facing ethical dilemmas fits this purpose. Second, although claims are not checked against documented facts, the familiarity of the author with the work field and the dynamics of the practice of counterterrorism means that there is an internal, often implicit, process of fact checking. The author remained on alert for potential inconsistencies in the contributions of participants. Third, by accepting the limitations, a group of counterterrorism practitioners that is generally inaccessible to researchers has been reached. An important factor in establishing this connection is related to my status within the organization that allowed me to function as both interviewer and researcher. The security clearance and trust granted me have been instrumental features here. Fourth, the official approval to use the inputs from these professionals in public research has a potential advantage in providing legitimacy and suggesting that it is fine to give truthful answers. The management team of the organization of the National Coordinator

for Counterterrorism and Security indeed committed itself to this openness under terms laid down in the research protocol. As such, it is considered that the potential limitations have been mitigated as far as possible. The overall limitations are also considered acceptable because they provide a, so far unique, opportunity to conduct research within the secrecy-dominated practice of counterterrorism.

Moral case deliberations

The third potential limitation of this research concerns the moral case deliberations themselves. This application of the moral case deliberation approach includes several limitations or problems that one should recognise and also mitigate as far as possible. The first potential limitation is that those participating in the voluntary moral case deliberation sessions are not representative of the workforce of the National Coordinator for Counterterrorism and Security, and consequently of the way ethical issues are experienced within the organization. One way to avoid this risk is to seek a high level of participation from the workforce, including both employees and leadership. The second potential limitation is that the offer to join in the moral case deliberations was open to all employees, including those dealing with issues other than counterterrorism, such as cybersecurity or crisis coordination. The potentially confounding effect of these 'additional' employees could be mitigated by separating the responses of counterterrorism professionals from those coming from other fields, and by ensuring there was sufficient participation from the counterterrorism field. These measures were employed in this research.

Another potential limitation is that it might prove very difficult to come to general conclusions on the working of moral case deliberation in the field of counterterrorism. This is not only because this research is limited to the Office of the National Coordinator for Counterterrorism and Security, the first impressions gained from an initial implementation might also be inaccurate. That is, if this method was applied repeatedly and with a sample that went beyond the National Coordinator for Counterterrorism and Security, a different general conclusion might be reached. At this stage, it was not feasible to expand the population of those participating in the moral case deliberation by including comparable authorities. Furthermore, it was not realistic to carry out a longitudinal study on

the long-term effects of conducting moral case deliberations within the practice of counterterrorism within the constraints of a Ph.D. research project. As such, this limitation remains and, at the end of this thesis, an agenda for future research is proposed that would build on this explorative research.

2.4 Research ethics

Every research project should take ethical issues into account and anticipate ethical issues that are likely to arise and consider how to address them. Research on security issues at the crossroads of the academic world and governmental security authorities can be vulnerable to ethical ambiguity and has to be governed by ethical and professional guidance (Gearon and Parsons, 2019). A research project into ethics should especially respect the ethical quality of the research. The research ethics of this thesis respond to the basic ethical criteria: voluntary participation in the research, informed consent, anonymity of the participants and the absence of negative effects (Baarda, 2013: 39). The ethics of this research are based on principles and safeguards laid down in a written research protocol approved by my Ph.D. supervisors and by the management team of the National Coordinator for Counterterrorism and Security. In this research protocol, the working of the feedback group, safeguards concerning the confidentiality and anonymity of certain aspects of the research without circumvention the transparency of the empirical underpinnings of the findings, the issue of political responsibility, scientific independence and procedures for handling conflicts or complaints are all addressed. This process and the protocol were developed in the Dutch language but have been translated into English for the purposes of this thesis (see Annex). The implications of the research protocol and the underlying research ethics for the various aspects of this research are discussed below. In doing so, I distinguish between interviews, the moral case deliberations, the feedback group and the issue of complaints or conflicts.

Interviews

The research ethics and the research protocol apply to the interviews. All the respondents were informed about the basic principle of anonymity of their input and agreed with this principle. The interviews were held and documented based on notes taken by the author. The ethics of the research were explained to participants before each interview was conducted. In addition, all respondents were explicitly asked whether they wanted to participate in this interview under these conditions, and all agreed. Nobody objected to these conditions. Prior to the interviews, approval for the guiding questions and themes of the interviews was obtained from the research supervisors.

Given the confidential setting of the interviews, where potential state secrets might be raised, the interviews were not recorded. Interview reports were compiled rather than transcripts, with some quotes included. Each report was written based on notes taken during the interview. Although such a procedure is somewhat unusual in social science research, it is more common in areas of sensitive research, such as governmental evaluation, inspection and oversight. Safeguards have been included in the research protocol that only allow the reports of the interviews to be read within a restricted setting, if deemed necessary.

Moral case deliberations

The contents of the individual moral case deliberation sessions remain confidential as agreed with the participants. This is in accordance with the safeguards laid down in the research protocol. All the participants in the moral case deliberations were placed in a position where they could provide voluntary and anonymous feedback on their personal experiences with ethical dilemmas, and on their experiences with moral case deliberation.

The principle underlying all the sessions was that the discussed dilemmas, as well as the content of the dialogues during the moral case deliberations, are treated confidentially and will not go beyond the specific group involved. There are no reports or minutes of the meetings. Any notes made on a flipchart or on a display screen to support the deliberations are likewise confidential, and were destroyed after the sessions were finished. This restricted insight into the contents of the sessions, which is regrettable from a research perspective, but unavoidable given the chosen research method and the safeguards in place concerning confidentiality. To summarize, the sessions occurred, as foreseen, in a confidential setting without records being kept.

However, researching the added value of moral case deliberations does require the use of some solid empirical input. In this research, in accordance with the research ethics protocol, this input has been generated by a questionnaire that participants in the moral case deliberations could complete on an anonymous and voluntary basis. All the potential responders were informed that their anonymous and voluntary contributions might be used within this published research. Given

this information, no one refused to participate in the research. Coupled with the way the questionnaires were introduced, the respondents can be considered to have unanimously given their informed consent.

Feedback group

A feedback group to monitor the research behind this thesis has been established. The feedback group consists of the researcher, a representative of the scientific supervisors of this research and a delegated member of the management team of the National Coordinator for Counterterrorism and Security. The task of the feedback group is to monitor the quality of the planned publications and the proper handling of any sensitive data. In addition, the feedback group can also monitor potential concerns regarding the vulnerable interaction between universities and governmental security authorities. The precise tasks and responsibilities of this group are laid down in the research protocol. It is important to note that no concerns have been raised within the feedback group and no amendments to the draft text have been initiated by the feedback group.

Complaints or conflicts

Finally, the presence of existing mechanisms within the regulations and resources of the Ministry of Justice and Security were highlighted in case things go wrong and participants filed complaints or conflicts arose. The research protocol includes a section on addressing potential complaints, conflicts or conscientious objections by participating staff members, the researcher or members of the feedback group should issues arise. The envisaged line of escalation was to follow the standard guidelines for filing complaints or raising conscientious concerns within the Ministry of Security and Justice as a whole. This safeguard was also mentioned in the research protocol. However, no complaints have been filed and no conflicts arose during the course of this research.

The next chapter explores the relevance of key ethical approaches in dealing with ethical issues in counterterrorism.