Working Paper Series

_____

The Experience of Canadian Muslim Civil-Society Organizations and

Activists in Influencing and Shaping Counter-terrorism Legislation

Tufyal Choudhury, Durham Law School, UK

Report Submitted to the Canadian Network for Research on Terrorism, Security and Society

Address correspondence to Mr. Tufyal Choudhury, **Assistant Professor in Durham Law School**, 4 Stockton Rd, Durham DH1 3DX, UK. t.a.choudhury@durham.ac.uk

Table of Contents

1. Introduction

Since 2001, the need to work with communities has become a common feature of counter-terrorism strategies in Western Europe and North America (Briggs, Fieschi and Lownsborough 2006; Huq 2013; Spalek 2013; Vermeulen 2014)

In Canada's counter-terrorism strategy, *Building Resilience Against Terrorism*, the government emphasises that its approach is underpinned by a 'fundamental belief that countering terrorism requires partnership', not only within and across government agencies, but also with civil society and citizens (Public Safety 2013: 4). In fact, partnership with citizens and civil society is identified as 'critical' to the overall success of the counter-terrorism strategy (ibid: 12), and building partnerships with civil society is an important tool in the Prevent strand of the strategy (ibid: 16).

Much of the counter-terrorism policy discussion around partnerships has been about using community policing to develop relationships of trust and cooperation between communities and local and federal law-enforcement agencies. Here it is claimed that an increased flow of information from positive community relations can reduce the need to resort to more intrusive hard measures, such as powers to stop and search individuals in the street or employ intensive covert surveillance, which risk alienating and marginalising communities and undermining trust and cooperation with the police (Cherney and Murphy 2013). Cooperation, support and information from communities are, it is argued, particularly important in identifying individuals involved in lone-actor terrorism, as this is harder to detect using traditional forms of investigation (Edwards, Jeffray and Pantucci 2015). Through community outreach, the RCMP has developed relationships of trust and cooperation with many individuals and organisations at the local level (ibid; Jacoby 2016).

However, suspicion remains, particularly among some young Muslims, that law enforcement agencies' outreach activities are merely a public relations exercise (Bartlett, Birdwell and King 2010: 69).

Local cooperation on security and counter-terrorism operates within a wider network of interactions between individuals and organisations of Canada's Muslim communities and government and state actors at city, state and federal levels. Action at one level can impact, positively or negatively, relationships and cooperation at other levels. While counter-terrorism policing and cooperation are implemented locally, the framework of policies and legal powers within which they operate are developed by the Canadian government. Emerging research evidence that the conditions under which national policies are developed can affect levels of cooperation and partnership between law enforcement agencies and minority ethnic or religious communities, including surveys of Muslims in the UK and the US, have found that the fairness of the process by which counter-terrorism policies are formulated shapes community cooperation with the police (Tyler, Schulhofer and Huq 2010; Huq, Tyler and Schulhofer 2011). In Australia, research by Cherney and Murphy (2013) finds that the strongest predictor of cooperation on counter-terrorism between Arab communities and the police is an individual's perception of the legitimacy of counter-terrorism laws; this is more important than their perceptions of the police or of the actions or behaviour of individual officers. This makes it important to ensure that 'counter-terrorism laws and policies are developed [in a way that is] seen to be legitimate by the groups that are targeted by them' (ibid: 415).

The main objective of this research is to understand the experiences of Canadian Muslim civil-society organisations that seek to influence counter-terrorism legislation and

policy. I use the public debate surrounding the enactment of one of the most significant pieces of Canadian counter-terrorism legislation since 2001, the 2015 Anti-terrorism Act, Bill C-51, as a case study. The paper draws on growing evidence that public cooperation with the state in counter-terrorism policing increases when the process by which counter-terrorism policies and laws are made are viewed as fair. The main research question examines the extent to which the process of enacting Bill C-51 met the procedural fairness standards in relation to voice, neutrality and respect. There is a particular focus on voice, with further questions of how and where voice is articulated.

Gaventa (2007) identifies different spaces of participation' drawing a distinction between 'closed', 'invited', 'claimed', and 'created' spaces. The legislative process in Canada (discussed below) offers opportunities for civil society input (alongside those of experts and public officials) to Parliamentary Commons and Senate committees examining proposed legislation. When it was first published, C-51 emerged out of the closed spaces of the government policymaking process. Invited spaces offer greater opportunities for civil society to engage in the policymaking process, but the power remains with the authorities that issue the invitation. Marginalised actors can challenge power by developing claimed or created spaces on their own terms. The legislative process, during which the details of the proposed legislation are examined, offers a mixture of spaces for participation. While all individuals and organisations have a right to submit their comments to the committees, Bill committee hearings themselves take place in an invited space. Muslim civil-society actors can create space for participation by arranging private meetings with politicians, including government ministers as well as opposition critics and party leaders. They can also claim spaces for participation by organising conferences, seminars and community events at which to discuss C-51. This paper's exploration of the experiences of Canadian Muslim

civil-society organisations in the debate on Bill C-51 pays particular attention to their experience of the committee process in relation to C-51. The analysis also examines the created and claimed spaces in which C-51 was expressed and discussed.

The next section provides background to the introduction of Bill C-51. Section 3 outlines the research methodology used to gather the research data. Section 4 gives an overview of current research on procedural fairness; this provides the overarching framework for the analysis of the research data. This is followed in section 5 by a preliminary scoping of the landscape of Muslim communities and civil society in Canada, before a more detailed exploration of the civil-society organisations that engaged more directly during the public and policy debate on C-51 in section 6. Section 7 outlines a number of the findings emerging from the research interviews, structured around the key elements of procedural fairness: voice, neutrality and respect. Section 8 identifies some preliminary conclusions emerging from this research, with recommendations for policymakers.

2. Bill C-51

Governments often review national security policy and anti-terrorism legislation in the aftermath of a terrorist incident. Opposition politicians as well as civil-society activists and groups were anticipating a policy response to the terrorism-related killings by Martin Couture-Rouleau and Michael Zehar-Bibeau in October 2014. This arrived in the form of Bill C-51. At the end of January 2015, without advance consultations, the draft of Bill C-51 was laid before Parliament, and the Prime Minister, Stephen Harper, announced the new proposed law during a speech at a community centre in Richmond Hill, Ontario.

At the time of its publication, public support for C-51 was extremely high; one poll suggested that 82 per cent of Canadians supported the legislation.[1] Critics of the Bill were concerned that the political and public mood in the aftermath of the October killings would stifle opposition. However, in the end, despite an expedited and truncated legislative review process, there was fairly robust public debate and discussion. While levels of public support for C-51 remained high, they declined as the legislation came under scrutiny. The focus of this research is not on the content or merits of the proposals in the legislation but on the process by which the legislation became law, and in particular the opportunities that the legislative process created for civil society, especially Muslim civil-society organisations and actors, to voice their support or opposition.

Parliamentary legislative committee hearings provide a critical opportunity for civil-society advocacy organisations to shape legislation and influence public discussion. Although a governing party with a majority in Parliament retains control of the review process through the chair and its majority on the committee, the committee hearings nevertheless provide a platform for civil-society voices to be heard. The committees 'provide the only structured and systematic forum for groups to appear before Parliament to give their views to MPs. As such, they provide the potential for groups to influence the evolution of legislation' (Smith 2009, 87). The announcement of the Bill in Richmond Hill at a 'campaign-style rally' (Forcese and Roach 2015, 453) was an early indication that the potential for open dialogue with civil society on C-51 would be undermined by the demands of partisan politics ahead of the October general election.

---

[1] http://angusreid.org/c51/

The government argued that it was necessary to pass the Bill expeditiously. Critics of C-51 believed that the haste to pass the legislation was in part dictated by the impending general election; some suspected that the Conservative government, anticipating opposition to their proposals from the National Democratic Party and the Liberal Party, were rushing to pass the Bill in order to highlight opposition to the legislation during the election.

The entire legislative process was completed in less than six months, from the publication of the Bill at the end of January to the granting of Royal Assent in mid-June 2015. The scope for public debate was hampered by the meagre information provided by the government on the proposed legislation. The Bill was accompanied by background notes that provided a limited account of the powers contained in the legislation and what the act could or would do. The Second Reading of the Bill in the House of Commons took place on February 18 and 23 2015. The two weeks between the publication of the Bill and its Second Reading provided little time for civil-society organisations to mobilise their support and advocacy efforts ahead of the first big legislative debate involving all MPs. This placed increased importance on the committee hearings as the main stage of the public debate on the Bill.

After the Second Reading in the House of Commons, C-51 was referred to the Standing Committee on Public Safety and National Security, which held ten meetings in March and a chamber meeting in April. The Committee reported back on May 4, and the third reading took place on May 5 and 6 2015.

In the Senate, the Bill was reviewed by the Standing Committee on National Security and Defence. The committee met five times in March and April 2015. These were pre-study

hearings, as they took place before the Bill went to the Senate for debate. The First Reading in the Senate was on 7 May, and the Second Reading on 14 May 2015. At the Second Reading the Bill was again referred to the Senate Standing Committee on National Security and Defence, which held further meetings on the Bill on May 25 and 26. On May 27 the Senate Committee presented its report, without amendments but with observations. The Third Reading debate of the Bill took place over five sittings in late May and early June. The Bill was granted Royal Assent on June 18 2015.

Beyond the parliamentary examination of C-51, there was significant civil-society mobilisation against C-51. The Prime Minister's speech announcing C-51 made it clear that it was a response to ISIS- and Al-Qaeda-related terrorism, and would therefore have the greatest impact on Muslim communities, yet the breadth of C-51 and its legislative overreach galvanised opposition from across the political spectrum including gun owners, environmentalists, First Nations, and those concerned with privacy and Internet freedom. Parliamentarians interviewed for this research agreed that they were surprised at the scale and nature of the civil-society mobilisation against C-51. As one parliamentarian recalled, bill numbers are an obscure footnote to the legislative process: 'When I'm at home in my constituency or travelling, people don't say Bill numbers to Members of Parliament', yet C-51 was 'the only Bill number I've ever had repeated back to me.'[2] One indicator of the level of public concern is the email correspondence received on an issue. An MP noted that while parliamentarian normally receive 2000 emails a week, in the week of the C-51 debate in Parliament they received 5000. OpenMedia.org, an organisation that campaigns against the state's regulation and surveillance of the Internet, mobilised against C-51, setting up the

---

[2] Interview 2

platforms killC-51.ca and #StopC-51. Its petition against C-51 attracted over 100,000 signatures, and its executive director Steve Anderson gave evidence before the Parliamentary committee examining C-51. Civil-society opposition culminated in a national day of action against the Bill, with demonstrations and protests held in cities across Canada just as the legislative scrutiny was getting underway.

The impact of the broad range of civil-society groups opposing C-51 'culminated in a political environment that even the people who [were] not involved in that issue [were] beginning to feel, or hear about that criticism'.[3] NDP politicians and supporters cited the evolution of the Liberal Party position in the run-up to the election, from supporting C-51 to seeking to amend it, as a sign of the impact of civil-society mobilisation. The broad scope of C-51 was crucial in bringing together a wide-ranging coalition in opposition to it. While this paper cannot provide a full account of the broader civil-society movement against C-51, one pertinent point that emerged, explored further below, was the relative absence of Muslim civil-society organisations and groups from the mobilisation against it.

3. Methodology and Data Collection

This paper presents the preliminary findings of qualitative semi-structured interviews with key informants involved in developing Canadian counter-terrorism legislation. Two factors shaped the selection of interview respondents: first, my research focuses on the experiences of Muslim civil-society organisations and activists; and second, I

---

[3] Interview 2

use a case study of the legislative passage of Bill C 51 to better understand the role and experience of Muslim civil society in shaping counter-terrorism legislation. However, as discussed below (section 4), the legislative scrutiny committees in Parliament provide an 'invited' space for participation, open only to those who are specifically requested to participate. While primarily focusing on those involved in the legislative scrutiny process for C-51, interviewing only those who participated in the parliamentary process would have provided a limited perspective on the role and influence of civil-society voices in the policymaking process. This research therefore extended the analysis to civil-society groups that were vocal and active in debates and discussions on counter-terrorism and security issues, but which were unable or chose not to participate in the formal parliamentary process. By interviewing these two groups it is possible to develop an understanding of the motivations and experiences of those who participated in the formal parliamentary process, as well as those who chose to express their views via other methods and mechanisms. These ranged from organising community information events and meetings about C-51 and issuing or signing statements of support or opposition to C-51, through to organising protests and broader political mobilisation ahead of the October 2015 general election. There are three sub-groups within each of the two main groups interviewed.

The first group of interviewees included those who directly participated as witnesses or committee members in the parliamentary hearings on C-51. I used the official transcripts of the Parliamentary Commons and Senate committee hearings on C-51 as the starting-point from which to identify the three types of potential interviewee among those who participated in the parliamentary hearings.

[1] individuals or representatives of organisations who articulated their views as arising from their position as Canadian Muslims, or who identified themselves as representing the views, experiences or interests of the Canadian Muslim community or a section of that community.

[2] non-Muslim organisations and individuals who participated as witnesses at the parliamentary hearings. The aim of including these was to compare the experiences and perceptions of Muslim witnesses appearing before the C-51 committees to those of other witnesses.

[3] Parliamentarians on the C51 legislative scrutiny committees.

The second group of interviewees did not participate in the parliamentary hearings on C-51 but are active in public debate and discussion of counter-terrorism legislation and policy. I used several methods to identify potential interviewees for this second group. Firstly, I used conference participation and attendee lists from previous TSAS conferences that I had attended to identify potential interviewees. Secondly, I asked interviewees from the first group who had directly participated in the parliamentary hearings to identify further potential interviewees. Again, the interviewees can be categorised into three subgroups:

[4] Muslim civil-society groups or activists who did not engage directly with the parliamentary process but were active, vocal and involved in discussions on security and counter-terrorism;

[5] non-Muslim civil-society groups or activists who did not engage directly in the parliamentary process but were active, vocal and involved in discussions on security and counter-terrorism;

[6] members of the executive branch of government: these included officials, advisors and ministers who had served under the Conservative government of Prime Minister Stephen Harper as well as some who had served in the previous Liberal government of Prime Minister Paul Martin.

I completed in-depth semi-structured interviews with a total of 32 individuals. Twenty-one of these were male and eleven were female. Twenty of the interviewees, sixteen of whom were male and four, female, identified themselves as Muslim. This gender imbalance reflects the dominance of male voices in the public policy debates on C-51. The interview data is anonymised so that quotes used in this report and subsequent publications cannot be used to identify the interviewees.

Interviews were conducted during 7 to 10-day research visits to Canada in August 2015, October 2015, December 2015 and February 2016, and took place in Ottawa, Toronto, Montreal, and Edmonton. All interviews were held in English.

I contacted all interviewees via an introductory email, in which I explained that I was conducting research supported by TSAS examining the role and experience of Muslim civil-society groups in influencing and shaping counter-terrorism legislation and policy in Canada. The emails made clear that the research was not an evaluation of the legislation but an examination of the policymaking process and the experiences of those who seek to shape and influence that policy. I identified myself as a researcher on issues concerning Muslim communities and counter-terrorism and policy in the UK, and as a senior associate of TSAS.

The interviewees were given information sheets explaining the research project and asked to sign interview consent forms. All interviews were carried out face-to-face, expect one

that was held on the telephone. The face-to-face interviews were audio-recorded and transcribed verbatim. I made summary notes of the key points from the telephone interview. The interviews lasted from 30 minutes to 2 hours; most were around an hour long, and took place in a variety of locations including the interviewees' homes and offices, and cafés and restaurants. The respondents did not receive compensation for their participation.

The interviewees were initially asked about their own background, the background of their organisation and their role and involvement in it, and/or their role and involvement in the public debate and discussion on counter-terrorism legislation and policy. They were then asked more specifically about their role in relation to Bill C-51. The interviews did not focus on the content or details of C-51, instead focusing on the interviewees' actions, activities and experiences in relation to supporting or opposing the Bill. Further questions then examined their experience in relation to three key elements of procedural fairness (explained further below): voice, neutrality and respect.

These three elements – voice, neutrality and respect – were also used as the basis for the thematic coding and analysis of the interview transcripts using NVivo software. The next section reviews the procedural fairness literature that provides the framework for the analysis in this research.

4. Procedural fairness

Legitimacy is critical for effective and efficient governance. Modern states rely on legitimacy to ensure citizens' compliance and cooperation with government decisions and policies, in turn reducing reliance on enforcement through coercion and surveillance (Levi, Sacks and Tyler 2009). In the context of counter-terrorism, communities' cooperation and information has the potential for reducing the 'tendency to generalise risk and suspicion on to the whole community' and ensuring a focus on 'identifiable individuals or groups' (Hanniman 2008: 277). Legitimacy provides 'a reservoir of loyalty on which leaders can draw, giving them the discretionary authority they require to govern effectively' (Tyler 2006: 26). The exercise of discretion is relevant across all areas of state actions as laws and policies are articulated in general terms. The need for citizen's trust in the state's exercise of discretion is particularly acute in relation to terrorism and national security, as the state often acts on the basis of information that it cannot share.

A distinction can be drawn between the legitimacy of particular individuals or authorities, which entails support for a particular government and its policies, and the more diffuse legitimacy of institutions and institutional arrangements. The diffuse support for wider institutional arrangements provides a protective counterpoint against the lack of support for a particular government or its policies. However, over time the unfavourable decisions of particular administrations can erode diffuse support for broader institutional arrangements (Tyler 2006).

Governing requires making difficult choices. For governments and other public authorities making decisions or adopting policies that are opposed by, or lack of the support of, significant sections of the population, adopting measures and steps that enhance the legitimacy of their decisions is important to the efficiency and effectiveness of

their policies, as well as the legitimacy of the institutional arrangements. A government adopting policies that face significant opposition should therefore be attentive to steps that offer the potential for enhancing the legitimacy of such policies.

The past three decades have seen the emergence of a burgeoning and robust body of research emphasising the importance of procedural justice in shaping public perception of the legitimacy of decisions made by state institutions and actors (Gangl, 2003; Sunshine and Tyler 2003; MacCoun, 2005; Levi, Sacks and Tyler, 2009; Tyler, 2006, 2011; Herian et al., 2012; Brems and Lyavrysen, 2013; Bradford, Murphy and Jackson, 2014);). Proponents of procedural justice posit their findings against the claim that legitimacy is based on instrumental calculations in which the focus is on the benefit or outcome of a decision or policymaking process (Tyler, 2006). They do not claim that the outcome of a decision-making process is irrelevant to judgements of its legitimacy, acknowledging that it remains both relevant and significant in shaping perceptions of legitimacy. However, they argue that fair procedures operate independently of the outcome of a decision-making process in determining people's evaluation of its legitimacy. In fact, the salience of fair process increases where the outcome is regarded as unfavourable by the individual or group concerned; people are more likely to cooperate and accept laws and policies that they disagree with if they feel that they have been developed via fair process. As Tyler emphasises, 'people will react to policies and politicians on procedural grounds'; the policy implication of this is that 'decision-makers can gain public acceptance for their decisions and rules by making and implementing them in ways that the public think is fair' (Tyler 2006: 162). In fact the more important an issue is to a person and the less the outcome favours them, the greater the weight they place on procedural fairness (ibid: 128). However,

in order for participants to value the opportunity to state their case, they must believe that the process meets certain conditions of procedural fairness.

Voice, neutrality and respect are three key elements that contribute to a decision-making process being seen as fair. Voice encompasses participation or representation in the decision-making process, allowing those involved or affected to state their case and be listened to. Participants value the chance to have their say, even when they know it will have no impact on the final decision: 'the ability to state your case is more important than influence over decision' in the evaluation of the fairness of decision-making processes (ibid: 126). Voice requires the opportunity to speak and express views prior to any decision being made, and to have those views listened to and taken into account in the decision-making process.

Secondly, there is an expectation of neutrality on the part of the decision maker. They should not be biased and should approach the decision with an open mind and a willingness to listen to and weigh up the evidence that is presented.

Thirdly, there is an expectation of respect in interpersonal treatment. This requires people to be treated with politeness, courtesy and honesty and without discrimination, and for the explanation of decisions to reflect the actual reasons for those decisions (Tyler 2006).

The elements identified as contributing to public perceptions of procedural fairness appear to have a degree of consistency across the population and do not differ by ethnicity, gender, education or income (Tyler 1994). However, the weight and value attached to each of the three factors varies according to the decision-making and institutional context. For example, bias and the quality of decision-making are more important in the context of a court decision, while voice is more important in the context of the decision of a police

officer (ibid). Most of the research on public cooperation in policing has focused on general crime control (Tyler, 2006; Murphy, Hinds and Fleming, 2008; Murphy and Cherney, 2012; Bradford 2014; Murphy, Sargeant and Cherney 2015). Such findings may not hold in relation to counter-terrorism policing, where the greater levels of perceived threat and potential harm have provided justification for the development of additional policing powers and criminal offences to allow for early intervention.

There is, however, some emerging evidence that procedural fairness does have an impact on cooperation in counter-terrorism policing. The significance of procedural justice regarding the willingness of the public, or particular sections of the public, to cooperate with the authorities has been tested in the context of counter-terrorism policing in Australia, the UK and the US (Tyler, Schulhofer and Huq 2010; Huq, Tyler and Schulhofer 2011; Cherney and Murphy 2013; Madon, Murphy and Cherney 2016.). In the UK, where cooperation was measured using questions about participants' willingness to work with and alert the police to any terrorism-related dangers, it was found that for Muslims, willingness to cooperate with the police was shaped by perceptions of fairness, both in the implementation of counter-terrorism legislation and policies and in the formulation and creation of policies. Political ideology, religiosity, and instrumental calculations arising from fear of police retribution were found to have no impact on willingness to cooperate (Huq, Tyler and Schulhofer 2011). Here, fairness in policy formulation was measured by questions on the extent to which the government involves a respondent's community when making decisions about what action to take to address the threat of terrorism and when seeking to deal with non-terrorism-related problems in that community, and by whether the government convened meetings to hear the community's opinions about how the police should deal with the threat of terrorism (Huq, Tyler and Schulhofer 2011: 757).

Cherney and Murphy draw a distinction between 'police legitimacy' and 'law legitimacy'; the former is the perceived legitimacy of the police officers enforcing the law, and the latter the 'perceived legitimacy of the laws that are enforced by the police'. They suggest that law legitimacy is particularly important in the counter-terrorism context, where the legitimacy of laws are called into question on the basis that they create 'suspect communities' (Pantazis and Pemberton 2009) or are seen as underpinned by racialised stereotypes of Muslims and communities of colour (Gova and Kurd 2008; Razak 2008; Nagra 2011) and the association of foreignness with threats to security (Bell 2006). They identify differences in the factors that influence cooperation in relation to general crime control and cooperation on counter-terrorism. While procedural fairness contributes to police legitimacy and is relevant to cooperation in general crime control, the most important predictor of cooperation in counter-terrorism is the perception of law legitimacy. Thus procedural fairness in the implementation of counter-terrorism 'can potentially have little effect if the laws underpinning police action are judged as illegitimate' (Cherney and Murphy 2013: 416). Effective counter-terrorism policing requires that counter-terrorism legislation is seen as legitimate. Ensuring procedural fairness in the process by which counter-terrorism laws and policies are developed is therefore important in encouraging community cooperation.

Issues of identity and fair treatment are implicated in cooperation with policies and compliance with legislation (Bradford, 2014). People who feel that their voice is not represented, or if it is represented, that it is not respected in the policy or legislative processes, are more likely to see enacted policies or laws as illegitimate (Levi, Sacks and Tyler 2009). Procedural fairness supports legitimacy and promotes compliance with a decision independent of the outcome of the decision-making process, because such a

process communicates important information about an individual's social standing and value in society (Tyler 2006). When individuals are treated with respect, have their views taken into account and their arguments considered, they are more likely to feel connected to and identify with the group represented by the decision-makers, and so align themselves with the group's norms and values and accept the legitimacy of its decisions (Tyler and Blader 2000; 2003; Blader and Tyler 2009 cited in Bradford, Murphy and Jackson 2014). Social or group identity has an important role in the relationship between fair treatment and cooperative behaviour: individuals react not only to how they are treated, but also to how individuals belonging to a group that they identify with are treated. When they witness unfair treatment by the authorities making decisions concerning members of their social group it affects their willingness to cooperate with those authorities (Cherney and Murphy 2013). It is therefore important for the legislative and policymaking process to pay particular attention to ensuring that the views and voices of underrepresented and minority groups are heard, particularly when enacting legislation that affects them disproportionately (Chaib and Brems 2013).

Parliament, as the institution that lies at the heart of a representative democracy, plays a powerful role in signalling the social status of different groups and communities in the way it treats the groups and individuals that claim to speak for or represent their interests. Fair treatment 'communicates inclusion and status within the group the authority represents' (Bradford, Murphy and Jackson 2014: 23). By the same token, unfair treatment implies exclusion and marginalisation, and 'erodes feelings of shared group membership of the authority concerned' (Jackson et. al 2012: 1053). This may be particularly important in multi-ethnic and multicultural societies where 'the way representatives of the dominant group treat people from new or subordinate groups may be a particularly important

element of processes of inclusion and exclusion' (Bradford. Murphy and Jackson 2014: 39). Furthermore, consistent experiences of procedural unfairness over a long period of time can go beyond eroding the legitimacy of a particular policy or government to undermine diffuse support for the institutional decision-making arrangement, reinforcing disengagement and fostering alienation from wider society.

An examination of the role of procedural fairness in the lawmaking process needs to be sensitive to the context of the legislative process. Most laws and government policies are general, rather than specific and determined (Tyler 1994). Most citizens will not experience the legislative process with the directness or immediacy of being involved in police and court decisions; they are more likely to experience them indirectly through media reporting. Two studies that tested the importance of procedural justice in Congressional lawmaking processes in the USA found that procedural fairness was relevant to judgments of the legitimacy of the decisions made; people were more likely to accept a policy decision that they disagreed with if they felt that the legislative process had been fair (Tyler 1994; Gangl 2003). Both studies suggest that voice plays a less significant role in judgments of the procedural fairness of legislative processes than neutrality (willingness to listen to the evidence and consideration of all groups), trustworthiness (trying to be fair in making decisions) and standing (protecting citizen's rights). This finding reflects the absence of direct opportunities for individuals to have their say in the legislative process in representative democracies, for whose legitimacy direct voice is not critical. Individuals gain voice through the ability to elect a representative who reflects their views. There is greater trust in parliaments where the electoral system allows the election of politicians with a broad range of views, ensuring that people feel they have legislative representatives who voice their views on their behalf (Dunn 2012; 2015).

5. Muslim civil society in Canada

This section provides an overview of Canadian Muslim communities and the landscape of Canadian Muslim civil society. The presence of Muslims in Canada can be traced back to at least the 19th century (Hamdani 1984), but the population remained in the low thousands until the borders were opened to non-European immigrants in the 1960s. Migration in the 1970s included a significant number of South Asians from southern and eastern Africa, as well as migration from South Asia, North Africa, and the Middle East. Significant numbers of Somali refugees fleeing the civil war began to arrive in the 1990s, and subsequently others arrived to join their families (Opoku-Dapaah 1995; Mensah 2010). By 2011, the Muslim population in Canada stood at just over one million, with Muslims accounting for 3.2 per cent of the Canadian population (Statistics Canada, 2013). The population is expected to increase threefold in the next two decades and will account for over 6 per cent of the total by 2031 (Statistics Canada2010). Muslims in Canada have settled in the large urban areas, 70 per cent living in the conurbations of Toronto, Montreal and Vancouver (Environics Research Group 2006: 63).

A number of the features of the demographic profile of the Canadian Muslim population may be particularly salient to issues of civic and political participation and the nature of civil-society formation and mobilisation. Firstly, there is great diversity among the Canadian Muslim population in terms of ethnic and cultural background as well as in religious interpretation, tradition, and practice. This is reflected in the diversity of ethno-cultural organisations as well as of mosques and religious organisations.

Only a third of Muslims in Canada were born in Canada: two-thirds were born abroad, and half of these moved to Canada in the last two decades (Environics Institute 2016). Generational differences are reinforced by stark differences between age cohorts. Sixty per cent of Canadian Muslims are below the age of 35. Furthermore, a majority of those below the age of 35 are non-immigrants; that is, Canadian by birth. The nature of and opportunities for civic and political participation differ between first-generation immigrants and second and subsequent generations born in Canada. First-generation immigrants arrived in Canada from countries with different forms of political system and cultures, in turn reflecting their differing levels of experience of participation in democratic political processes. As noted below, there are noticeable demographic and generational differences among the leaders of the Muslim civil-society organisations that opposed and supported C-51 during the Bill's committee hearings.

Civic and political participation is also entwined with questions of identity. The identity of the organisations and associations that an individual is active in or identifies with can reflect and in turn reinforce particular aspects of their identity. Individuals have multiple markers of identity that are relevant to their civic and political participation. Religion operates as a basis for civic and political mobilisation alongside gender, age, ethnicity, social class, sexual orientation, education and political ideology. The primary focus in this research is on organisations that identity themselves as Muslim civil-society groups. While this element of self-identification is important, it is also important to bear in mind that the salience and foregrounding of particular identity markers is developed in a social and political context, is shaped by the perceptions of others and can in part be a reaction to experiences of discrimination or public denigration. An activist from a Muslim civil-society organisation in Quebec, noting the impact of the debate about the Quebec

Charter of Values and C-51, argued that it was the political context in Canada that had led

to the greater foregrounding of religious identity in political mobilisation: 'We came here as

Moroccans, Algerians and Tunisian; it is Canada that has made us into Muslims'.[4] A survey

in 2006 found that 3 out of 10 Canadian Muslims had experienced discrimination because

of their race, ethnicity or religion in the previous 2 years, however this increased to 1 in 4

among Muslims aged 18-29 (Environics Research Group 2006: 82). Experiences of

discrimination, for some a barrier to political participation, can provide others with the

impetus for greater civic participation (Moosa-Mitha 2009).

Religion is an important element of their identity for 84 per cent of Muslims

(Environics Institute 2016). In the 2016 survey, a large majority of Canadian Muslims

reported strong attachment to their Canadian identity, 81 per cent stating that being

Canadian was important to their identity (ibid: 15). A greater proportion of Muslims (84 per

cent) than members of the general population (73 per cent) said that they were 'very proud'

to be Canadians (ibid: 7). These results are consistent with other survey data that finds that

'the more attached [Muslim Canadians] are to their religion, the more attached they are to

their[Canadian] nationality' and that there is little data to show that religion or religiosity

undermine national identity (Jedwab 2015: 25). However, the strength of Muslim's religious

identity and beliefs has been interpreted as a threat to social integration and civic and

political participation. The CSIS Director General for Toronto has suggested that Muslims'

religious beliefs operate as a barrier to integration and political participation (Ellis 2007;

cited in Bullock and Nesbitt-Larkin 2011: 3). While discrimination, racism and lack of

information and knowledge of the local political structure may be barriers to formal

---

[4] Interviewee 4

political participation, active participation in religious organisations, including traditional conservative religious groups, has been found to spur, rather than deter, civic and political participation (Bullock and Nesbitt-Larkin 2011).

The 2015 general election appears to have catalysed unprecedented levels of political participation by Muslims. It saw the rolling out of two initiatives that used the federal elections as a springboard to encourage Muslims' wider civic and political engagement, Canadian Muslim Vote (CMV) and the Canadian Arab Institute's 'Your Voice' campaign. Both were developed and planned before C-51 and reflected a broad feeling that it was important for Muslims and Arabs to be politically active and vote for their issues and concerns to be addressed by politicians and policymakers. CMV was developed in response to the perception that low Muslim voter turnout had contributed to the limited attention paid to their concerns. A further common theme expressed by a number of interviewees involved in voter registration and voter turnout efforts was the sense of a growing disconnection between being Canadian and being Muslim. Respondents felt that Canadian and Muslim identities were being positioned in mutual opposition in the political, public, and cultural discourse. By engaging Muslims in the democratic process, a core act of civic citizenship, activists involved in voter mobilisation and registration efforts viewed their efforts as challenging and resisting this disconnection to reassert their claim to being both Canadian and Muslim. It was also hoped that a surge in Muslim political participation would lead political parties to pay greater attention to the views and opinions of Canadian Muslims:

> After the election the data strategists in each of those parties […] would all look at the data, analyse their data, and notice a blip on their chart. And we wanted to make sure that the blip that each of them saw was the change in the participation rate of Canadian Muslims between 2011 and now. So that if you saw that participation rate

move up, they would now be aware that there was a constituency that you needed to worry about, that you needed to think about, that you needed to engage.[5]

Two surveys carried out after the 2015 general election report a voter turnout of 79 per cent among Canadian Muslims, for the first time significantly exceeding Canada's overall voter turnout rate of 68.5 per cent (The Environics Institute 2016: 12; Canadian Muslim Vote 2016: 4). This is likely to increase politicians and policymakers' engagement with Canadian Muslims, and to draw greater attention to the views and demands of Canadian Muslim civil-society groups. As I discuss in the next section, the diversity and differences between the claims of Muslim civil-society groups contest ideas and claims of Muslimness and Muslim-Canadian identity (Amin 2014).

6. Muslim civil-society voices in the debate on C-51

This section identifies the key Muslim civil-society organisations that were active and vocal in the public debate surrounding C-51. As noted earlier, the starting point for identifying these groups is the Parliamentary committee hearings on C-51. Speaking in broad support of C-51 in Parliament were Raheel Raza (President, Council of Muslims Facing Tomorrow (CMFT)), Salim Mansur (Vice-President, CMFT) and Tahir Gora (Canadian Thinkers' Forum). Although vice-president of CMFT, Mansur was identified in the proceedings as speaking in a personal capacity. The witnesses before the committees

---

[5] Interview 16

with a critical stance against aspects of C-51 were Ziyaad Mia (Chair Canadian Muslim Lawyers' Association (CMLA) Legal Issues Committee); Ihsaan Gardee (Director, National Council of Canadian Muslims (NCCM)), and Zarqa Nawaz (author and creator of the television comedy *Little Mosque on the Prairie*).

There are some noticeable differences in the backgrounds of the key advocates who supported C-51compared to those who opposed the Bill. The Muslim civil-society organisations that argued in favour of C-51 were created and led by first-generation immigrants to Canada who had lived their childhood and formative years outside Canada and framed their understanding of the dynamics and change in Muslim communities in Canada based on their experience of change and development in their countries of origin.

Raheel Raza was educated in Pakistan; after graduating from the University of Karachi, she lived in the United Arab Emirate for a decade before migrating to Canada in 1989 with her family. Raza is an author and activist on women's rights issues, campaigning against domestic violence and so-called 'honour-killings', and is active in interfaith networks. After 2001 she began to develop a public profile as a freelance journalist, writing opinion pieces for the *Toronto Star* on issues concerning Islam, multiculturalism and terrorism. She is author of the book *Their Jihad – Not my Jihad*. In 2005, with her husband Sohail Raza, she founded the Forum for Learning, an organisation that promotes interfaith and intercultural discussion and dialogue. Raza is also a distinguished senior fellow at the Gatestone Institute, a US-based neo-conservative think tank. She launched CMFT with Salim Mansur in September 2012.

As a young man, Salim Mansur witnessed at first hand the consequences of sectarian violence during the 1971 civil war between East and West Pakistan that led to the creation

of Bangladesh. He arrived in Canada as a refugee in 1974, and attended college and university before working as a research fellow at the Ministry of Foreign Affairs during the 1980s. Mansur's connections and contact with members of the Harper administration and the Conservative Party date back to the 1990s when, sympathetic to its position on the question of the status of Quebec, he joined the Reform Party. In 2000, Mansur stood unsuccessfully as a parliamentary candidate for the Canadian Alliance in a riding in London Ontario. His political connections have deepened through his membership of the Civitas Society. He teaches political science as an assistant professor at the University of Western Ontario and writes about political Islam, radicalisation and the multiculturalism. He is the author of *Delectable Lie: A Liberal Repudiation of Multiculturalism.* Mansur is also a frequent media commentator: from 2000–2013 he was a syndicated columnist for QMI, he published a regular column in the *Toronto Sun,* and he writes for the conservative blog *Proud to be a Canadian*. He is also a consultant to the Centre for Security Studies, a US-based neo-conservative think tank.

Tahir Gora worked as a writer and journalist on politics in Pakistan, where he ran his own publishing company. He moved to Canada in 1999, where he continued working as a journalist, publishing a weekly Urdu-language newspaper between 1999 and 2003. From 2007–09 he wrote a biweekly column, mainly about Muslim issues, multiculturalism and terrorism in Canada and Pakistan, for the *Hamilton Spectator*; he now writes for the *Huffington Post*. Gora also hosts a current affairs programme on the web-based TV channel TAG TV, on which he interviewed Prime Minister Stephen Harper during Canada's September 2015 general election campaign. Gora has founded two organisations, the Progressive Muslim Institute Canada and the Canadian Thinkers' Forum, to provide a

broader institutional platform for his views. Both Gora and Raza are on the board of the Muslim Canadian Congress (MCC).

As president of the CMFT, Raheel Raza testified in support of Bill S-7, which became the Zero Tolerance of Barbaric Cultural Practices Act, before the Canadian Parliament. Mansur appeared before the parliamentary committee on C-51 as an individual rather than as vice-president of the CMFT. He has been called to give evidence before Parliament on immigration and national security issues. In 2013, as secretary general to the MCC, he and the MCC's president Salma Siddique gave evidence before the committee on Bill C-425, legislation aiming to remove Canadian citizenship from dual nationals engaging in any act of war against Canada's armed forces. The MCC was also a third-party intervener before the Supreme Court in the case of *R v NS,* arguing that a Muslim woman should be required by the court to remove her *niqab* while giving evidence in a court.

In contrast to the members of the Muslim civil-society groups that supported C-51 in Parliament, the Muslim civil-society organisations that campaigned against the Bill were led by a younger generation of Canadians who had either been born in Canada or had arrived there as young children and had received their high school and college education in Canada.

Ziyaad Mia, whose parents had migrated to Canada from South Africa, graduated from the Universities of Toronto and Windsor. Although a lawyer with a background in the energy sector, he developed expertise in national security law as a volunteer for the CMLA from 2001 onwards.[6] He was chair of the CMLA's legal issues and advocacy committee

---

[6] The CMLA was created in 1998, initially as an organisation providing Canadian Muslim lawyers with opportunities for professional networking, and supporting and encouraging young Muslims seeking to enter the legal profession. However, its activities also encompass advocacy 'on issues of importance to Canadian Muslim lawyers and the broader

from 2001-2010. He prepared the submission of the Coalition of Muslim Organisations on Bill C-36 (the legislation introduced by Canada after the terrorist attacks on the US on 11 September 2001), and appeared on behalf of the Coalition at the parliamentary hearings on the legislation (Mia, 2002). He led the CMLA's evidence on C-51.

Ihsaan Gardee graduated from the Universities of Windsor and Western Ontario. He has been executive director of the National Council of Canadian Muslims (NCCM) since 2007. The NCCM identifies itself as a civil liberties and human rights organisation that advocates on behalf of Canadian Muslims and others experiencing the infringement of their civil liberties or violation of their human rights. It argues that by ensuring that Canada acts within the values of the Charter and upholds universal human rights, it is furthering the protection of the rights of all Canadians. The National Council of Canadian Muslims, under its previous name CAIR-CAN (Canadian Council on American Islamic Relations) was also a signatory to the Coalition of Muslim Organisations' submission on Bill C-36 in 2001. Since then they have been active in advocacy on national security issues. The NCCM has made submissions on a wide range of legislative proposals regarding national security, immigration and citizenship. While presenting evidence to the parliamentary committee examining C-51, the NCCM was attacked by a committee member because of its relationship with its US counterpart, the Council on American-Islamic Relations (CAIR) and its alleged links to terrorist organisations (as discussed in section 7, below)

The NCCM's advocacy during the passing of legislation was followed up with support for strategic litigation challenging the legislation and policy for infringement of Charter rights. The NCCM was a third-party intervener before the Supreme Court in the

---

Canadian Muslim community', and it has testified before parliamentary committees on proposals relating to national security.

cases of *Canada v Harkat* and *R v NS*. The CMLA and NCCM were joint third-party interveners before the Supreme Court in the case of *Latif v Bombarbier*. In these cases the lead counsel for the NCCM was the supreme court advocate and associate professor of Law at Osgoode Law School, Faisal Bhabha.

Zarqa Nawaz was born in the UK, but grew up in Toronto after her parents migrated to Canada when she was a child. She graduated from Toronto and Ryerson Universities and has worked as a writer, broadcaster and filmmaker. In 2014 she published her memoirs of growing up in Canada, *Laughing All the Way to the Mosque*. She has no formal links to any Muslim civil-society organisation and gave evidence to the Bill committee in a personal capacity. Her focus was on not the specific details of the legislation but the wider political context in which the Bill was being enacted, her concern being about the 'rhetoric surrounding Bill C-51' and how the government 'sees the place of Muslims in Canada'. Her testimony pointed towards the need to place the public discussion of C-51 in the wider context of other government policies and statements.

7. Emerging Findings

Voice, the opportunity to participate and be heard, is central to procedural fairness. In exploring the discussion on C-51 I examine the nature and type of voices heard at the C-51 hearings. Who was able to speak to the committee? And how did they articulate the nature of the voice that they presented?

7.1 Voice

Organised advocacy groups are seen as having greater legitimacy by both the government and the public when they are seen as representing a large group (Smith, 2009). In this context an organisation can appear to have more legitimacy than an individual, and the views of a coalition of organisations are likely to be given greater weight than the views of just one organisation. This can incentivise individuals to create an organisation as a platform for their views, and groups of organisations to create an umbrella organisation to strengthen their voice. During the 2001 debate on Bill C-36, the creation of the Coalition of Muslim Organisations, which included over 140 organisations, added to the value and weight of the Coalition's its submission (Roach 2009).

In the debate on C-51, in presenting themselves as 'Muslim' advocacy groups all the Muslim civil-society organisations were acutely conscious that they would be challenged by politicians, the media and policymakers raising questions about who they 'represented'. This forced them to carefully articulate the nature and status of the voice they presented in the policy debate. Notably, none claimed to directly represent the views of Canadian Muslims.

Organisations that were critical of C-51 argued that their concerns reflected the 'broad mainstream' of Canadian Muslim opinion.[7] The NCCM and CMLA both position themselves within the framework of upholding the Charter rights of Canadian Muslims. In doing so they locate themselves within a broader Canadian tradition of support for human rights and Canadian multiculturalism. The CMLA emphasises its professional expertise at bringing legal analysis to bear in its submissions to the committees. It does not seek or claim to represent Muslim communities, but views its Muslim background as providing its

---

[7] Interview 5

organisation with insight into the ways in which proposed national security legislation and polices impact on Muslim communities. To reinforce its positioning as a voice representing legal expertise, the CMLA asked the Parliamentary committee clerks to schedule their evidence session alongside those of other legal and civil liberties organisations.

The NCCM positions itself as a civil rights advocacy organisation. It argues that the weight and authority of its voice is rooted in the work it undertakes, monitoring and documenting Canadian Muslim experiences of Charter Rights violations. It draws a subtle distinction between reflecting and representing communities, and sees itself as an organisation that, through its grassroots work on human rights violations experienced by Muslims, has an understanding of the experience of Muslim communities which it reflects in its policy submissions.

The organisations that opposed C-51 emphasise their work challenging extremism and terrorism. CMFT identifies its mission as reclaiming Islam, 'securing Peace for all people, and [opposing] extremism, fanaticism and violence'. This includes working with the government to address the 'threats and challenges confronting Canada from radical or extremist Muslims'. Gora's Progressive Muslim Institute (PMI) was launched in June 2013 with a public demonstration denouncing terrorism in the name of Islam outside the Ontario legislature at Queen's Park, which attracted a small crowd of two dozen.[8] The Canadian Thinkers' Forum, created at the same time as and linked to the PMI, identifies its aim as 'addressing the challenges of Muslim segregation and radicalisation faced in Canadian society through a huge growth and influx of Muslim immigrants'.[9] Raza and Gora played a

---

[8] https://www.thestar.com/news/gta/2013/06/17/progressive_muslims_group_launched_in_toronto_to_reclaim_hijacked_faith.html
[9] http://canadianthinkersforum.com/?page_id=388

central role in the creation of the Coalition of Progressive Canadian Muslim Organisations, which was launched in Ottawa in November 2013 at an event attended by the then government minister Jason Kenny. Of the eight organisations identified as members of the Coalition at its launch, two, the Canadian Thinkers' Forum and the PMI, were founded by Tahir Gora and a third, the Muslim Committee against Anti-Semitism, is run by Gora's wife Halima Sadia. The coalition also includes Raheel Raza's CMFT and the Forum for Learning, set up by her husband Sohail Raza. In the summer of 2015, Raheel Raza and Tahir Gora, together with Farzana Hassan (Chair of the Muslim Canadian Congress) were appointed to the Cross-Cultural Roundtable on Security (CCRS) by the Conservative government. However, they were unable to attend any CCRS meetings as the incoming Liberal government asked all of its members to resign as it reviewed membership of the body.

Muslim civil-society advocates who supported C-51 acknowledged that they reflected a minority view in the Muslim community, but differed in their estimates of the extent to which their views reflected of those of the broader Muslim community. They identify themselves as 'moderate' and 'progressive' Muslims, and argued that they were also responding to the public call for such voices to be heard in the public debate. They felt that their voices and opinions were marginalised by mainstream media organisations because they did not see them as either representing Muslim communities or having the support of those communities. One interviewee maintained that their organisations' support for C-51 was shared by a 'significant number of Muslims' who were 'just too afraid to come out because they don't want to be hunted and harassed by fundamentalists and extremists'.[10] They felt that they were giving voice to the opinion of a silent but sizable

---

[10] Interview 5

section of the community. Some, recognising that their organisation only had a small number of active members, acknowledged that they could not provide clear evidence of the nature or size of the support their views attracted in the community: 'We just say we represent ourselves, and we represent significant numbers of Muslims who don't want to come out and speak out. It seems like a contradiction; it is very difficult to quantify. But we do have support. I have no way of quantifying it whatsoever. None whatsoever.'[11] Others pointed to private email communication from individuals and 'likes' on Facebook as indicators of broader public support. Notwithstanding their apparent success in securing invitations to give evidence to parliamentary committees, the Muslim civil-society activists and groups that supported C-51 nonetheless felt marginalised by government civil servants and policy officials. Policymakers and practitioners viewed them as having 'limited reach and standing in Muslim communities'.[12]

7.2 Voice: Who is invited to speak

The very question of which voices were invited into the democratic space to speak to the parliamentary committees was a contentious issue during the hearings on C-51. In the Commons, the witness list became a matter of controversy. The need to pass the bill in time to prorogue Parliament and begin campaigning for the election was commonly seen as the reason for limiting the time allowed for debate. The opposition parties argued for extending the period allocated for Commons scrutiny and expanding the witness list. They

---

[11] Interview 5
[12] Interview 17

were able to do this by effectively filibustering the committee, exploiting a procedural weakness that precludes the government from setting time limits on points of procedure.[13] Even with the expanded list, crucial public officials such as the Privacy Commissioner were not called to give evidence to the Commons committee.

In the Commons a diverse range of Muslim civil-society voices were called to give evidence before the committee examining C-51; Tahir Gora, Raheel Raza and Salim Mansur spoke in support of C-51, and Ihassan Gardee, Ziyaad Mia and Zarqa Nawaz spoke against C-51. . Muslim civil-society organisations were almost entirely absent from the Senate hearings. Of the Muslims who gave evidence in the Commons, only Salim Mansur was also called to Senate, and again in the personal capacity rather than as vice-chair of CMFT.

The difference between the Commons and the Senate witness lists was in part a reflection of the differences in the rules that regulate the procedures of the two committees. In the Commons it was possible to call a range of Muslim civil society witnesses, as there was no need for a cross-party consensus or agreement on a witness list; each party was allocated a set number of witnesses and could call any witness it chose within its allocation. The Senate committee is supposed to provide a less partisan and more collegiate approach to legislative scrutiny. As a consequence, witness lists for the committee are agreed upon by consensus. While some members of the committee thought that some testimony from Muslim civil-society organisations would be useful, they were dissuaded from pursuing this by their experience of other Senate committee hearings on national security policy, where they had found it difficult to secure agreement, particularly from Conservative Party members of the Senate committee, to the participation of a broad range of Muslim civil-

---

[13] http://www.cbc.ca/news/politics/bill-c-51-conservatives-soften-stance-on-expert-testimony-1.2973282

society organisations and voices. In particular, they faced objections to calling the NCCM to appear before the committee, and were prevented from doing so.[14] This earlier experience led some members of the committee to conclude that it would be better to have no witnesses from Muslim civil-society organisations than to have a partial representation that failed to reflect the range of views within Muslim communities accurately. There was no conscious decision not to call Muslim civil-society actors to give evidence to the committee; rather the difficulties in securing agreement on a broad range of Muslim civil voices experienced in earlier hearings, and the expectation that recognised national voices such as the NCCM would be excluded as a result, led Senate committee members to agree to focus on calling recognised policy experts who could speak on national security and human rights issues to the committee.

7.3 The value of voice

Willingness to participate in a policymaking process where the participants know that their contribution will not lead to significant change in the policy outcome reflects the 'value expressive effect' of having one's voice heard in a fair process (Tyler 2006). The interviews for this research, particularly those of respondents who gave evidence critical of C-51, made it possible to explore the varying motivations of the participants, the value they placed on the opportunity to speak in the Bill committee process, and the wider community and public discussion on C-51.

For some of the Muslim civil-society organisations that opposed C-51, taking part in the parliamentary process in the context of a government that they felt was not open to

---

[14] Interview 4.

dialogue and discussion was nevertheless valued, as it contributed to their long-term goal

of ensuring that the voices of Muslim communities and their experiences were part of the

national conversation and formed part of the public record.

> I mean sure, the government can do whatever they really want. So in a majority government setting, public deliberations of proposed legislation are always going to be somewhat at risk of being simply whitewashed, or a legitimising exercise that serves the government's interest more than anybody else's. But it does produce a record, and it's a record that I think is important for the historical value of it. Because one day we're going to look back. People are already looking at C-51 as a travesty, and certainly there will be historians and scholars and hopefully […] I think it's important to be there and to contribute. I don't think it made any bit of difference. I [do] think it helped to affect broader public opinion.[15]

> In all these cases, if [the government] have a majority, they can push it through. The first instance is always, no matter what, we should speak, because we have to get on the record for history. Somebody can go back and say 'Somebody said this' […] It's important to me because I don't want to give a future government or the current government the excuse to say 'Oh, we didn't know'. It's to say 'You knew, you were warned.' […] So when we started, it was just on the pure principle of it's going to be on the media and the historical parliamentary record of having shown up, so that 50 or 100 years from now somebody can say 'Look, these guys came and they said something'. Because, right now we go back and look at the Japanese internment, and you see very few voices that spoke against.

National narratives are reconstructed through historical records; participation in the

parliamentary process is therefore part of a process of inscribing the experiences and voices

of marginalised groups on the historical record and the narrative of nationhood. Here the

participation of Muslim civil-society voices is placed within the frame of the broader

struggle for recognition by other groups that have found themselves marginalised during

earlier periods of Canadian history. There is specific reference to the internment of Japanese

Canadians during the Second World War. As well as the parallels of discriminatory

treatment of a racialised minority that was seen as a threat to national security at the time,

this reference reflects the way in which their internment is now recognised as a historical

---

[15] Interview 9.

injustice, and the public acknowledgment of this injustice is now part of the narrative of the struggle for inclusion in Canadian nationhood.

Secondly, it was argued that participation in the process was important to an organisations' legitimacy as a voice in the public policy debate. It provides a 'moral footing to continue to rail against the system – to be able to say 'We were there and you didn't listen to us.' I think it's a lot more powerful than saying 'We weren't there, and yet we really disagree with this''.[16] Underpinning this was an emphasis on the importance of participating in the democratic policy process in a parliamentary democracy; participation was characterised by many as a civic duty, a way of showing respect for and commitment to the rule of law and democracy: 'Your question was why would we participate. In part it was our civic duty, even if the people who are there are treating the institution as a joke; the institution – that is, Parliament – remains important. So it was our civic duty.'[17]

Thirdly, most Muslim civil-society organisations emphasised the importance of contesting and challenging the narrative of the other side in the debate. Organisations that opposed as well as those that supported C-51 argued that if they did not speak out in public the discussion would be dominated by voices from the opposing side, and this would give a distorted representation of views in the Muslim community.

Fourth, participation in the parliamentary process was an important mechanism for informing the wider public and media debate on C-51. This point featured more in the interviews of those who opposed C-51 than of those who supported it. This is because, as noted earlier, a striking feature of the leadership of the Muslim advocacy groups that

---

[16] Interviewee 9
[17] Interviewee 8

publically supported C-51 is the high proportion of experienced syndicated newspaper columnists and opinion writers, who therefore had existing platforms from which to inform the public discussion, and a wide range of contacts and dense networks that they could tap into to disseminate their voices. The media experience of Muslim groups opposing C-51 was more varied. None were journalists, nor did they have regular columns in mainstream papers in which they could state their views. The legislative debate on C-51 provided an opportunity to set out their position, but there was no guarantee that their opinions would be either sought or published. Most relied on personal contacts with newspapers and journalists that they had developed over the years to secure the publication of opinion pieces or the coverage of initiatives they were taking. There was also a concerted effort to utilise social media.

Fifth, participation in the legislative and policy process was seen to contribute to raising awareness about the legislation in Muslim communities: 'The community needs to know that this bill is being passed and here's how it's going to affect you'.[18] Civil-society groups and actors were involved in attending and organising community meetings that created space for community members to come together to share their concerns and understand and know that their voices and views were being communicated to government and Parliament:

> I think people feel empowered by coming together; or to see a panel of brown-skinned members of the community who have power, who hold office, who have knowledge, who speak with authority. You know, it makes them feel better. You know, we've got these representatives; they may come here and tell us all this doom and gloom stuff, but at least they are staying on top of it. And I think it can inspire members of the community to continue to take an interest, to follow these stories, to read the news, to be engaged.[19]

---

[18] Interview 10
[19] Interview 9

For a number of the civil-society groups, community outreach and education on C-51 was also part of a wider strategy for motivating and engaging people in the political process in the run-up to the 2015 general election. It was believed that education about the details of C-51 would generate discussion about what could be done, and once the legislation was passed, the answer was to participate in the October election:

> Our focus was: 'Everyone should go out and vote in the next election. So if you want to change [C-51], we have an election coming up. We don't [normally] vote. We have to come out and vote' […] So that's why we took the step of first educating people about the legislation itself […] so that people would understand that there's lots at stake'.[20]

All the interviewees who supported C-51 expressed how their feelings of vulnerability and anxiety about the potential backlash against all Muslims in the event of a successful Muslim terrorist attack were a key motivation to support greater powers for the state in tackling the threat of terrorism. Some recognised the potential for the infringement of civil liberties but felt that this was outweighed by the consequences for Canadian Muslims of a successful large-scale terrorist attack: 'If there is an incident in Toronto I will be as hated as the guy who did it. Just for being Muslim, and I know that'.[21]

7.4 Neutrality

Alongside voice, neutrality is a key ingredient of procedural fairness. Neutrality requires the belief that the decision-making authority is open-minded and unbiased, is willing to listen to the evidence and will evaluate it with due care. The experience of advocacy efforts on Bill C-36, the anti-terrorism legislation passed in the immediate

---

[20] Interview 7
[21] Interview 11

aftermath of the attacks on New York and Washington in September 2001, was vividly recalled by C-51 opposition advocates as an example of the impact of participation in the parliamentary process: 'Under the previous anti-terror bill there was a lot of protest, there was a lot of opposition, so that [the government] did change it, so that we didn't step back complacently, we kept going'.[22] A government minister at the time that C-36 was passed also emphasised the importance of engaging with communities in passing the legislation:

> We thought we were doing a lot to ensure that voices were heard that disagreed with us, or even if they didn't necessarily agree, had concerns, and we gave them the opportunity to be heard whether it was at committee, whether it was meeting a minister, meeting with my officials or meeting with others in government.[23]

This experience of engagement during the C-36 process contributed to the legitimacy of and diffuse support for the parliamentary legislative policy process. While those who opposed C51 had limited expectations of similar openness and neutrality from the Harper government and governing Conservative Party, they nevertheless valued the importance of the legislative scrutiny process as part of the democratic process. One interviewee referred to the debate on C-36 as a 'legitimate debate', contrasting it to the hearings on C-51, which were characterised as 'a circus'.[24]

C-51 came at the end of a period during which a growing number of civil-society groups had come to see the Harper government as systematically undermining the space for civil-society criticism of government. A collective of researchers and academics had come together under the umbrella organisation Voices-Voix to document what they saw as the erosion of space for civil-society dissent under the Harper government. The potential

---

[22] Interview 7

[23] Interview 18

[24] Interview 8

for the powers of C-51 to be used against civil-society activities were interpreted as part of a broader pattern of action to silence society. While recognising that C-51 was a response to the threat of terrorism, they saw the scope of the powers it proposed as revealing a government taking the opportunity to bring together two policy agendas: counter-terrorism and silencing civil-society dissent.[25] The content and manner of the legislative process appear to have become a focal point for wider set of anxieties and concerns about the Harper government: 'It encapsulated in one frame everything bad in the way [the Harper government] managed governance in a pluralistic liberal democracy'.[26] C-51 was seen as part of a larger context: 'It's a certain style of government, certain attitudes towards civil society which certainly continued through the whole hearing process.'[27]

For Muslim civil-society groups critical of C-51 the expectation was that the Stephen Harper and the governing party would not only fail to be neutral or open to hearing their concerns about the legislation but also that it and its supporters would be hostile towards those who opposed C-51. The interviews reveal that fear of the consequences of speaking out against government policy had a chilling effect on Muslim civil-society dissent on C-51, with several organisations choosing to remain silent during the debate.

Muslim civil-society advocacy groups that opposed C-51 noted the relative absence of Muslim society in the protests. An activist who was organised protests against C-51 in a city with a significant Muslim population noted that among the protest-organising committee there was no representation of Muslim grassroots organisations. He also found that at a key meeting of the main civil society and human rights organisations that were

---

[25] Interview 12
[26] Interview 8
[27] Interview 2

involved in mobilising their supporters against C-51 there was a relative absence of Muslim civil-society organisations, with only one present:

> And I can't remember who said it, but it was a very true comment, that despite all the concern of these organisations, everyone knew that the Bill would pass and everyone who was there, with the exception of the executive director [of a Muslim civil-society organisation] who was there, none of it was an NGO or a representative from the Muslim and Arab communities. It was academics, and civil-society organisations that were concerned about human rights […] But the affected communities – it's not that they weren't invited to this […] Everyone was agitating because of how [C-51] was a travesty; the rights of Canadians going to be affected. But we also knew that the people that are being targeted by this are not really here in this discussion.[28]

The relative isolation of the Muslim civil-society groups that spoke out against C-51 in 2015 can be contrasted with the over one hundred organisations that formed the Coalition of Muslim Organisations and produced a joint statement of concern after 2001 in response to Bill C-36. This reflects the chilling effect of the fear of speaking out on national security issues. Parliamentarians seeking a broad range of Muslim voices to provide evidence to the committee reported difficulty in persuading Muslim organisations, particularly mosques, to give evidence before Parliament. Interviewees from Muslim civil-society organisations focusing primarily on service delivery and religious institutions (mosques and cultural centres), for which public policy advocacy was an occasional or limited part of their mandate, felt powerless to make a difference to the public discussion on C-51 and so opted out of taking a public position. One organisation cited the threat of the increased regulatory scrutiny that charitable organisations could face if they engaged in vocal advocacy against government policies. Others feared that they would face cuts to their federal government funding if they came out publically against it. A number of these organisations had been

---

[28] Interview 13.

active in earlier debates on other legislation and policy changes, including C-36. At least

two organisations that received government funding for services and projects that they

worked on confirmed that they had had internal board discussions about their position on

C-51 but had dropped their proposed plan to speak out against the Bill for fear of losing

their funding from the Harper government:

> I had a situation: some of my board members, they were concerned […] that we shouldn't appear to go after the government. […] the fear factor was there; they said 'Lets not go there, it will hurt us.' They felt very strongly about it. They said 'We're not ready. We're still a new organisation. Besides, whatever we say won't change anything.'[29]

There was also the fear of being labelled a terrorist organisation or terrorist

sympathisers by the government:

> A number of people who were there [on the board] said 'We want to do something,' and we were ready to launch into a campaign, and then everybody got cold feet and said 'You know this government is very unfriendly, they might penalise us.' You know we get funding for different projects from them, but also I'm sure they're keeping tabs on us all […] we don't have the kind of freedom of speech that we used to enjoy because we're afraid that if we really express our opinion we'll suffer consequences that will not be very good.
>
> Interviewer: You say consequences – what do you mean?
>
> Interviewee: Of being labelled a terrorist.
>
> Interviewer: Do you think that's a real threat?
>
> Interviewee: Yes […] if you criticise the Government of Canada and its actions on terrorism and whatever they're doing, they'll think we're traitors […] and they're mean enough to think that, they really are. And we're not alone: there are so many organisations that feel that way. They've already done that, they've already cut funding and maligned organisations that don't agree with them. They hate dissent.'[30]

---

[29] Interview 10.

[30] Interview 9

The interviewee articulates the real and palpable sense of fear expressed by a number of civil-society organisations and activists, who pointed to the treatment of the Canadian Arab Federation and the NCCM as evidence of interconnected strategies, exclusion, vilification, and the defunding and criminalisation of organisations that they felt were applied to Muslim and Arab civil-society groups that challenged the government. Such action was interpreted by a number of interviewees as 'taking out the leadership or pillars of the community, anyone with a voice'.[31]

While some hesitated to speak publically against C-51, within their communities and safe spaces Muslims discussed and debated it:

> I think people are just afraid to come out in the wider spaces to voice the same opinions. I think people felt, like, a white liberal can say certain things that Muslims can't, white privilege. The Muslim community was very much aware that this was not a conversation that was happening to them, but was happening to other communities...the bill is active, so we don't know whether we're being spied on right now. So there's still a level of fear already affecting us in ways liberals might not worry about.[32]

One strategy adopted by a number of organisations that opposed C-51 but chose not to participate in the legislative debate or public protest movements was to focus on raising community awareness through talks and conferences at mosques and community centres. Community discussions and concerns generated a deepening of intra-community coalitions, particularly among younger Muslims and students. Harper's speech announcing C-51, in which he talked about the threat to national security emanating from basements and 'mosques', was cited by a number of interviewees as a crucial intervention uniting

---

[31] Interview 14
[32] Interview 15

Muslims in feeling that the legislation was part of a broader political strategy for securing

political support by raising fear and suspicion of Muslims in Canada:

> The Bill started the conversation, but it was Harper's own messaging that
> strengthened us. The idea that 'We have a common enemy', that 'We're going to find
> the terrorist in their basements and their mosques' – so he directly spoke to us. As,
> when you're saying 'mosque' you're saying Muslim communities […] he just said
> 'mosque', he's talking to us, he's saying we're the problem […] so our differences
> were more and more minimised as our commonality, our mosques, our symbols
> were being antagonised.[33]

There was a concerted effort among younger activists to maintain this unity and resist

division, by challenging the categories of 'good' and 'bad' Muslim. Muslim student

associations in particular were reported as taking a lead in creating inclusive coalitions that

brought together young Muslims from a wide range of traditions and sects.[34] The election

debate for young Muslims, held a month before the election, was a key moment in this. It

was symbolic that young Muslims from across a range of Muslim traditions came together

in a community space, the Aga Khan Museum, a cultural space developed by the Ismaili

community:

> The sectarian lines are softening in the community. It's not something I think I've
> seen before, where the dominant community were going to this space of the
> minority community to have a debate. The Aga Khan Museum I think now has been
> adopted by all of the communities, is seen as part of the Canadian Muslim heritage
> whether you're from the Ismaili community or not. I think that's a huge thing to
> come out of it. [35]

Others suggested that the relative apathy about C-51 in parts of the community reflected a

general weariness and retreat, the normalisation of the expectation that such powers and

---

[33] Interview 15.
[34] Interview 15.
[35] Interview 15.

measures would be or were in fact were already being used, and that the bill was merely

placing such activity on a formal basis.

7.5 Respect and civility

The expectation of being treated with respect and civility in interpersonal interactions is a third core feature in evaluations of fair procedure. The politeness and courtesy with which individuals and organisations are treated in the decision-making process sends a strong signal about the standing of that group. During the discussion on C-51, one exchange was repeatedly cited by a wide array of interviewees, including politicians, policymakers and civil-society activists, as particularly memorable for the lack of civility and respect shown to a witness before the committee. The exchange occurred as Ihassan Gardee, the executive director of the NCCM, was invited to present his organisation's evidence to the committee. Diane Ablonczy used the time allotted to her to question Mr Gardee on the NCCM's views on C-51 to 'put on the record' what she described as 'a continuing series of allegations' that the NCCM had ties to groups that had expressed support for terrorism. She then invited Gardee to take the opportunity of his appearance before the committee to 'address these troubling allegations', and continued: 'In order to work together, there needs to be a satisfaction that, you know, this can't be a half-hearted battle against terrorism. Where do you stand in light of these allegations?' Rather than engage the NCCM on C-51, Ablonczy used the parliamentary process and the protection of parliamentary privilege to repeat allegations that in 2014 had led the NCCM to take legal proceeding for libel against the Prime Minister's spokesman Jason MacDonald.

> The complete disrespect with which Muslims were treated in the committee was shocking. Something I've never seen in Parliament and hope to never see again […] I'd never seen anything like it. I'd spoken to the National Council of Canadian Muslims, and they expected it. They said: 'If we come we will be attacked.' But the appalling part to me was the directness, the lack of civility, it was stunning.[36]

---

[36] Interview 2

Committee member Diane Ablonczy's questioning of Gardee is reported to have increased other Muslim organisations' unwillingness to appear before the committee: 'There was great deal of Muslim community reluctance to appear […] there was some reluctance that that might be their fate [too]'.[37] The incident gained press and political attention, and was raised by opposition MPs on the floor of the House with calls for an apology to Mr Gardee.

The incident gained symbolic significance for some Muslim civil-society activists and resonated with their perception of the Harper government's unfair treatment of Muslims. One interviewee, borrowing from Thomas Hobbes, described the C-51 debate as 'nasty, brutish and short'.[38] However, it was generally recognised that this exchange stood out precisely because it was unusual. Most participants reported that the conduct and exchanges during parliamentary committees were largely civil and courteous.

8. Conclusion

Habermas notes the contribution civil society organisations make to deliberative politics by bringing the concerns and experiences of marginalised groups into the public domain. He argues that civil society organisations, 'attuned to how societal problems resonate in the private life spheres' are able to 'distill and transmit such reactions in amplified form to the public sphere' (Habermas, 1996: 367). The starting point for this research was the growing evidence of the potential for supporting community partnerships

---

[37] Interview 2
[38] Interview 4

and cooperation in counter-terrorism policing by ensuring adherence to procedural fairness norms in the policymaking process. Canada's counter-terrorism strategy recognises the importance of partnership between the state and non-state actors. While fairness on the part of local police officers, the RCMP, and other public authorities in their implementation of policies is important, their efforts can be undermined if the process by which a policy being implemented was designed and developed is seen to lack legitimacy by the very groups and communities whose cooperation is most needed. By examining the experience of Muslim civil-society organisations' engagement with the debate on C-51, it is possible to identify the extent to which standards of procedural fairness were met in relation to voice, neutrality, and respect.

The legislative process allowed a wide range of Muslim civil-society groups to have a voice in the policymaking process. Surprisingly, it was the more partisan arena of the Commons committee on C-51 that facilitated the call for a diverse range of voices from Muslim civil society to speak in Parliament. By contrast, the need for consensus and agreement appears to be have contributed, at least in part, to the absence of Muslim civil society before the hearing by the Senate Standing Committee on National Security and Defence. The research findings support the notion of the 'value expressive effect' of having one's voice heard (Tyler, 2006). The organisations opposed to C-51 did not expect their participation in the parliamentary process to lead to significant legislative change; instead, their reasons for participating included shaping the wider public debate; providing legitimacy for their organisation's continued criticism of policy; countering the narrative of Muslim civil-society groups on the other side of the debate; informing and empowering Muslim communities; and motivating Muslims to participate in the October 2015 federal election.

While Muslim civil-society groups for whom policy advocacy was a core activity were strongly committed to engaging with the democratic legislative process, there was also worrying evidence that religious Muslim institutions and organisations delivering social services were reluctant to participate in the C-51 debate and actively disengaged from the democratic policy process. The absence of their voice from the public discussion on C-51 stands in contrast to those of the wide array of organisations that participated in the debate on C-36 in 2001. Fear of the consequences of speaking publicly against C-51 and the Harper government's perceived lack of neutrality were significant deterrents to participation in the public policy process. Thus, while a wide range of groups and organisations united in protest against C-51, Muslim civil-society organisations were largely absent from this. In some cases, organisations withdrew from engaging in the public realm, preferring the relative safety of internal community spaces.

This research confirms the importance of respect in procedural fairness. The questioning of Ihsaan Gardee by Diane Ablonczy was recalled and highlighted by a number of members of Muslim civil-society organisations and other actors as lacking in respect and undermining the right to equal participation. The incident also highlighted the important role of social identity and the treatment of members of a group with which a person identifies in shaping their evaluation of fairness. Those who opposed C-51 saw the incident with Gardee as evidence of the willingness of the Harper government and its supporters to attack Muslim voices that were critical of counter-terrorism legislation in the public realm. This reinforced the sense of insecurity about engagement in the democratic public policy realm, and for some, contributed to a retreat from the public sphere to safer, more private internal community spaces. Within the safety of such spaces Muslim activists and civil-society groups began to debate and develop their responses to their

marginalisation in the policy process. This included a concerted and energised engagement in the political electoral process that contributed to the defeat of the Conservative government in the 2015 general election.

The findings from this research underline the importance for government, parliament and policymakers, in developing and implementing counter-terrorism legislation, to engage in open, respectful and deliberative dialogue with a wide range of Muslim civil society organisations and actors. Such engagement should take place during the Committee process for the scrutiny of new counter-terrorism legislation. The examination of the proposed legislation by Parliament is a critical point for engagement with civil society, but also a limited and defined window of opportunity. This research points to the need for such dialogue and engagement to take place at all stages of development and implementation of counter-terrorism legislation and policy.

Bibliography

Amin, Sara. 2014. The impact of identity politics in challenging national narratives: A case study among Canadian Muslims. *Studies in Ethnicity and Nationalism*. 14:418-435.

Bartlett, Jamie, Jonathan Birdwell and Michael King. 2010. *The edge of violence*. London: Demos.

Bell, Colleen. 2006. Subject to exception: Security certificates, national security and Canada's role in the 'war on terror'. *Canadian Journal of Law and Society/Revue Canadienne Droit et Société*. 21:63-83.

Blader, Steven and Tom Tyler. 2009. Testing and expanding the group engagement model. *Journal of Applied Psychology*. 94: 445-464.

Bradford, Ben. 2014. Policing and social identity: procedural justice, inclusion and cooperation between police and public. *Policing and Society* 24(1): 22-42.

Bradford, Ben, Kristina Murphy and Jonathan Jackson. 2014. Officers as mirrors: policing, procedural justice and the (re)production of social identity. *British Journal of Criminology*. 54: 527–550.

Brems, Eva and Lavrysen, Laurens. 2013. Procedural Justice in Human Rights Adjudication: The European Court of Human Rights. *Human Rights Quarterly*. 35: 176-200.

Briggs, Rachel, Catherine Fieschi, and Hannah Lownsborough. 2006. *Bringing it home: community based approaches to counter-terrorism*. London: Demos.

Bullock, Katherine and Paul Nesbitt-Larking. 2011. *Canadian Muslim Youth and Political Participation: A Willingness to Engage*. Toronto: The Tessellate Institute.

Canadian Muslim Vote. 2016. *Post-Election Report*. Toronto: The Canadian Muslim Vote.

Cherney, Adrian and Kristina Murphy. 2013. Policing terrorism with procedural justice: The role of police legitimacy and law legitimacy. *Australian & New Zealand Journal of Criminology*. 46:403–421.

Chaib, Saïla Ouald and Eva Brems. 2013. Doing minority justice through procedural fairness: Face veil bans in Europe. *Journal of Muslims in Europe*. 2:1-26.

Dunn, Kris. 2012. Voice and trust in parliamentary representation. *Electoral Studies*. 31:393-405.

Dunn, Kris. 2015. Voice, representation and trust in Parliament. *Acta Politca*. 50:171-192.

Edwards, Charlie, Calum Jeffray and Raffaello Pantucci. 2015. *Out of reach? The role of community policing in preventing terrorism in Canada*. London: Royal United Services Institute.

Environics Institute. 2016. *A Survey of Muslims in Canada in 2016*. Toronto: Environics Institute.

Environics Research Group. 2006. *Focus Canada: The pulse of Canadian public opinion*. Ottawa: Environics Research Group Limited.

Ellis, Andrew. 2007. The Role of Muslims in Enhancing Canada's Security. The World Islamic People's Leadership and Taric Islamic Centre Symposium: Muslims - A Minority in the Canadian Mosai*c* Renaissance Hotel, Toronto, July 22.

Forcese, Criag and Kent Roach. 2015. *False SECURITY: The radicalisation of Canadian anti-terrorism*. Toronto: Irwin Law.

Gangl, Amy. 2003. Procedural justice theory and evaluations of the law-making process. *Political Behavior*. 25:119-149.

Gaventa, John. 2007. Levels, spaces and forms of power: Analysing opportunities for change. In Berenskoeeter, Felix, and Michael Williams, eds. *Power in world politics*. London: Routledge.

Gova, Alnoor, and Rahat Kurd. 2008. *The impact of racial profiling*. Working Paper Series No. 08-14. Vancouver: University of British Columbia.

Habermas, Jurgen. 1996. *Between Facts and Norms*. Cambridge: Polity Press.

Hamdani, Daood Hassan. 1984. Muslims in the Canadian mosaic. *Institute of Muslim Minority Affairs Journal*. 5:7-16.

Hanniman, Waynne. 2008. Canadian Muslims, Islamophobia and national security. *International Journal of Law Justice and Crime*. 36: 271-285.

Herian, Mitchel, Joseph A. Hamm, Alan J. Tomkins, Lisa M. Pytlik Zillig. 2009. Public Participation, Procedural Fairness, and Evaluations of Local Governance: The Moderating Role of Uncertainty. *Journal of Public Administration Research and Theory* 22: 815-840.

Huq, Aziz. 2013. The social production of national security. *Cornell Law Review*. 98: 637-709.

Huq, Aziz, Tom R. Tyler, and Stephen J. Schulhofer. 2011. Mechanisms for eliciting cooperation in counterterrorism policing: Evidence from the United Kingdom. *Journal of Empirical Legal Studies*. 8:728-761.

Jackson, Jonathan, Ben Bradford, Mike Hough, Andy Myhill, Paul Quinton and Tom R. Tyler. 2012. Why do people comply with the law? Legitimacy and the influence of legal institutions. *British Journal of Criminology*. 52:1051-1071.

Jacoby, Tami Amanda. 2016. How the war was 'One': Countering violent extremism and the social dimensions of counter-terrorism in Canada. *Journal for Deradicalisation*. 6:271-304.

Jedwab, Jack. 2015. *Counterterrorism and identities: Canadian viewpoints*. Montreal: Linda Leith Publishing.

Levi, Margaret, Audrey Sacks and Tom Tyler. 2009. Conceptualizing legitimacy, measuring legitimate beliefs. *American Behavioural Scientist*. 53:354-375.

MacCoun, Robert J. 2005. Voice, control and belonging: The double-edged sword of Procedural Justice. *Annual Review of Law and Social Science*. 1: 171-201.

Madon, Natasha, Kristina Murphy and Adrian Cherney. 2016. Promoting community collaboration in counterterrorism: Do social identities and perceptions of legitimacy mediate reactions to procedural justice policing? *British Journal of Criminology*

Mensah, Joseph. 2010. *Black Canadians: history, experiences and social conditions*. Halifax: Fernwood.

Mia, Ziyaad. 2002. Terrorizing the rule of law. *National Journal of Constitutional Law*. 14: 125-152.

Moosa-Mitha, Mehmoona. 2009. Social citizenship rights of Canadian Muslim youth: Youth resiliencies and the claims for social inclusion. *Arab Studies Quarterly*. 31:121-140.

Murphy, Kristina, Lyn Hinds and Jenny Fleming. 2008. Encouraging Cooperation and Public Support for Police. *Policing and Society*. 18: 138–57.

Murphy, Kristina, and Cherney, Adrian. 2012. Understanding Cooperation with Police in a Diverse Society. *British Journal of Criminology*. 52: 181–201.

Murphy, Kristina. 2013. Policing at the Margins: Fostering Trust and Cooperation among Ethnic Minority Groups. *Journal of Policing, Intelligence and Counter Terrorism*. 8: 184–99.

Opoku-Dapaah, Edward. 1995. *Somali refugees in Toronto*. Toronto: York Lane Press.

Pantazis, Christina and Simon Pemberton. 2009. From the 'old' to the 'new' suspect community: Examining the impacts of recent UK anti-terrorism legislation. *British Journal of Criminology* 49: 646-666.

Public Safety. 2013. *Building resilience against terrorism: Canada's counter-terrorism strategy*. Ottawa: Government of Canada.

Razak, Sherene. 2008. *Casting out: The eviction of Muslims from western law and politics*. Toronto: University of Toronto Press.

Roach, Kent. 2009. Canadian national security policy and Canadian Muslim Communities. In Abdulkader H. Sinno. ed. *Muslims in Western Politics*. Indiana: Indiana University Press.

Smith, Miriam. 2009. *A civil society? Collective actors in Canadian political life*. Toronto: University of Toronto Press.

Spalek, B. 2013. *Governing terror: trust, community and counter-terrorism*. London: Bloomsbury Academic Press.

Statistics Canada. 2010. *Projections of the diversity of the Canadian Population, 2006 to 2031*. Ottawa: Minister of Industry

Statistics Canada. 2013. Canada (Code 01) (table). National Household Survey (NHS) Profile. 2011 National Household Survey. Statistics Canada Catalogue no. 99-004-XWE. Ottawa. Released September 11, 2013. http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/prof/index.cfm?Lang=E (accessed July 4, 2017).

Tyler, Tom. 1994. Governing amid diversity: The effect of fair decision making procedures on the legitimacy of government. *Law & Society Review*. 28: 809-832.

Tyler, Tom. 2006. *Why people obey the law*. Princeton: Princeton University Press.

Tyler, Tom and S. Blader. 2000. *Cooperation in groups: Procedural justice, social identity, and behavioral engagement*. Philadelphia, PA: Psychology Press.

Tyler, Tom, Stephen Schulhofer and Aziz Huq. 2010. Legitimacy and deterrence effects in counterterrorism policing: A study of Muslim Americans. *Law and Society Review*. 44:365-402 .

Vermeulen, F. 2014. Suspect communities—targeting violent extremism at the local level: Policies of engagement in Amsterdam, Berlin, and London. *Terrorism and Political Violence*. 26: 286-306.