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**JUSTICE AFTER TERRORISM:
WARFIGHTING, PAST INJUSTICE, AND RECONCILIATION¹**
(SPS/01)

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¹ This thesis is submitted in partial fulfilment of the requirements for the degree of PhD in Political Studies.

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(33° CICLO)
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**JUSTICE AFTER TERRORISM:
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*To live like a tree, solitary and free;
And like a forest, in fraternity...
This longing is ours.*

*

*Vivere come un albero solitario e libero
E come una foresta in fratellanza...
Questo struggimento è nostro.³*

–Nazım Hikmet Ran (2002)

³ My translation from Turkish to English and Italian.

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Abstract

The phenomenon of terrorism occupies an important place in contemporary political reality. Accordingly, all states are committed to fight against terrorism and protect their citizens from terroristic attacks. In this thesis, I aim at framing a normative account of how democracies should fight terrorism beyond military means. I engage with the literature on just war theory, transitional justice and recognition theory to conceptualize *justice after terrorism*. In light of the vibrant discussions in the aforementioned strands of literature, this study contemplates ending warfighting in terrorism, the aftermath of terrorism and the longer transitional post-terrorism period in order to provide justified grounds for the arguments to pursue peace and justice in societies with endured terroristic past. My discussion focuses on the moral and political arguments to decide when and how the military warfighting against terrorists should be ended; how the wrongdoing which terrorists inflict on their victims should be vindicated; and how the post-terrorism reconciliation should be conceptualized. Throughout my argumentation, justice after terrorism appears as a recognition-theoretical transitional justice account that envisages the re-recognition of the victims as the backward-looking remedy and just societal transformation as the forward-looking measure.

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Riassunto

Il fenomeno del terrorismo occupa un posto importante nella realtà politica contemporanea. Di conseguenza, tutti gli stati sono impegnati a combattere il terrorismo e a proteggere i loro cittadini dagli attacchi terroristici. In questa tesi, mi propongo di inquadrare un resoconto normativo di come le democrazie dovrebbero combattere il terrorismo al di là dei mezzi militari. Mi impegno con la letteratura sulla teoria della guerra giusta, la giustizia transizionale e la teoria del riconoscimento per concettualizzare *la giustizia dopo il terrorismo*. Alla luce delle vibranti discussioni nei suddetti filoni della letteratura, questo studio contempla la fine della lotta alla guerra nel terrorismo, le conseguenze del terrorismo e il più lungo periodo di transizione post-terrorismo al fine di fornire basi giustificate agli argomenti per perseguire la pace e la giustizia nelle società che hanno subito un passato terroristico. La mia discussione si concentra sugli argomenti morali e politici per decidere quando e come la guerra militare contro i terroristi dovrebbe essere terminata; come gli illeciti che i terroristi infliggono alle loro vittime dovrebbero essere rivendicati; e come la riconciliazione post-terrorismo dovrebbe essere concettualizzata. Nel corso della mia argomentazione, la giustizia dopo il terrorismo appare come un conto di giustizia transizionale teorico-riconoscimentale che prevede il ri-riconoscimento delle vittime come rimedio a ritroso e la giusta trasformazione della società come misura a lungo termine.

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Preface

This thesis, which I have completed by going through the most labour-intensive process of my life in the last 4 years, is the product of a journey that predates my doctoral studies. The journey started with discussing what terrorism is during the seminar hours of the Ethics and International Relations course at the University of Pavia. It was unimaginable for me to be insouciant to the subject as a Turkish citizen. Thus, I have written not only a term paper but also a master's thesis on terrorism. I have discussed what terrorism is and whether it can be justified. The conclusion I reached led me to contemplate how post-terroristic societies should come to terms with their past and reinvent the social fabric to construct functional and egalitarian societies. My perspective on the issue has been erecting a recognition-theoretical take on the reconciliatory transitional justice theory as the backbone of a robust argument on justice after terrorism.

This dissertation, which I see as one of the important pillars of my adventure of self-realization so far, came to life with the support and heartening sympathy I received from many people. In this respect, I would like to thank my master's thesis supervisor, Ian Carter, who encouraged me to work in the field of political philosophy. I am grateful to the Network for the Advancement of Social and Political Studies (NASP) and the University of Milan for finding my research proposal valuable and for funding it. I am indebted to my doctoral dissertation supervisor, Francesca Pasquali, and the philosophers of our department, Antonella Besussi, Nicola Riva and Giulia Bistagnino for their guidance and invaluable insights. A special thank you to Francesco Testini, who never hesitated to spare time to sit across the whiteboard and mull over my arguments. I am also thankful to the participants and discussants of the numerous conferences I attended and

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1. Introduction:

Normative Foundations for Justice after Terrorism

1.1. Research Question

Some early empirical academic works in terrorism studies claim that terrorist activities are more likely to occur in democracies (Eubank & Weinberg, 1994; Eubank & Weinberg, 1998). Erica Chenoweth (2012) illustrates that the previous studies benefited from the same dataset which covers the incidents between 1968 and 1997 in the article where she examines if terrorism remains a democratic phenomenon. In light of the new data, she asserts that anocracies replaced democracies as the primary targets of terrorism after 2003 while autocracies remain to be the least targeted regimes. As Chenoweth concludes, “recent trends suggest that as democracy spreads as the primary form of governance around the world –or as countries pass through periods of ‘anocratization’ *en route* to democratic development– terrorism is likely to increase as a form of political contestation –not decrease. [...] the only countries that remain impervious to terrorist violence are authoritarian regimes” (Chenoweth, 2012, p. 98).

Several theories assert that certain common properties of democracies create a more fertile environment for terrorist groups to flourish. These theories include the abuse of the political and civil liberties by terrorists (Pape, 2003), the possibility of democratic competition resulting in violent terrorist acts for the purpose of magnifying certain political demands of a particular group (Chenoweth, 2012), and the openness to manipulation by violent coercion with civilian casualties due to electoral accountability (Young & Dugan, 2011). In a similar vein, Eubank and Weinberg assert that “[d]emocracy makes it possible for dissident groups of all sizes and shapes to wage campaigns of terrorist violence on behalf of whatever goals they seek to achieve. After

all, liberty is to faction (even violent faction) as oxygen is to fire” (Eubank & Weinberg, 2010, p. 162).

Contrary to the theories which explain democracies’ vulnerability against terrorism, some political scientists argue, together with common wisdom, that democracy is still the best tool to fight terrorism since it allows dissidents to pursue their political objective through peaceful political means (San-Akca, 2014). Others further the argument and claim that democracies are better counter-terrorism actors (Abrahms, 2007). This paradox is particularly interesting; although democracies are identified as either intentional or passive supporters of terrorism in political science literature, democracy is considered as the antidote to terrorism.

Political philosophy literature regarding terrorism is dominated by works focusing on the definition (Gibbs, 1989; Primoratz, 1990; Sinnott-Armstrong, 1991), morally wrong-making features (Coady, 2004a; Fotion, 2004; Goodin, 2006; McPherson, 2007; Scheffler, 2006), and the moral justifiability of terrorism (Hare, 1979; Held, 2008; Nielsen, 2003; Primoratz, 2011; Smilansky, 2004; Steinhoff, 2007; Valls, 2000; Walzer, 2006a; Young, 2004). At least to my knowledge, the topic of how democracies should justly fight terrorism beyond military means remains a gap in the normative political theory literature.⁴ The works produced on this issue generally deal with the ethical discussion of the problems that emerge in the practice of the global war on terror. Michael Ignatieff (2005) argues that the war on terror requires permitting otherwise unacceptable breaches of moral principles. However, Ignatieff’s work provides only a manual for the national justification for the violations of fundamental moral principles through the

⁴ I read the question in broad sense and consider the fight against terrorism beyond military means as any efforts regarding the prevention of recurrence of terrorism and the provision of justice to the victims.

argument of the lesser evil, rather than “a code of political ethics in an age of terror” which the subtitle of the book promises to deliver (Steel, 2004).

Some just war theorists try to shoehorn terrorism into the theory whereas the topic remains in the grey area for transitional justice studies which mainly deal with the transitions either from war to peace and/or from authoritarianism to democracy. There is no particular theory that is dedicated to justice after terrorism. In relation to this academic lacuna, I intend to pursue a theoretical research that would provide a normative account on justice after terrorism and I believe this will constitute the answer to the question, “How should democracies fight terrorism beyond military means?”

1.2. What is Terrorism?

I shall clarify the composition of the research question and what I understand from the fight against terrorism. First, I intentionally restrict the discussion on how to fight terrorism within the democratic framework because the limitations of a democratic government make the issue theoretically more interesting. For example, in the absence of such limitations, say, an authoritarian regime may simply choose the option of using brutal military power against terrorists without regarding human rights and moral principles. Indeed, as the aforementioned works suggest terrorism is not a grave problem in autocratic regimes. Unfortunately, it is not uncommon to find works that argue for the adoption of brutal means by trying to justify otherwise unacceptable breaches of moral principles in liberal democracies’ fight against terrorism (Dershowitz, 2002; Ignatieff, 2005).⁵ I rather choose to provide a normative ground to argue how the fight against

⁵ The militant democracy literature, too, can be considered alligning with these examples since it justifies pre-emptive, *prima facie* illiberal measures to protect democracy (Müller, 2012).

terrorism should be theorized without *a priori* acceptance of the necessity of breaking commitment to human rights and/or moral principles. I believe such a discussion is not only theoretically more challenging and interesting but it also contains the possibility of providing practical guidance which is of crucial value considering the political reality we live in.

Second, the reason behind the choice of the word ‘fight’ indicates that terrorism is bad –or at least bad for its victims. It is something to fight against. One can further the argument and claim that terrorism is intrinsically bad and/or morally unjustifiable.⁶ I do not think that the moral unjustifiability of terrorism is a necessary premise to fight against it. Morally wrong-making features of terrorism, especially its political wrongness to democracy which can be summarized as depriving people of the capacity of exercising deliberation and functioning properly as political agents by instilling terror, suffice to provide grounds for fighting terrorism (Goodin, 2006; Scheffler, 2006).

Additionally, the word ‘fight’ should not be taken in military terms. Rather, I prefer to read the question in the broadest possible sense. As we do not understand only the defeat of certain individual cases when we mention the fight against heroin, the fight against terrorism should not be seen only as military warfare. Indeed, it requires paying attention to the issues of prevention, peace-building, reconciliation, and rehabilitation.

Third, I shall provide an answer to the question, “What is terrorism?” to pursue such research. I define *an act of terrorism* as the use of violence and/or credible threat of its use against disengaged civilians in order to spread fear among society in pursuit of a

⁶ There are robust arguments on the unjustifiability of terrorism which converge on the shared position that terrorism is always or almost always unjustifiable (Coady, 2004a; Coady, 2004b; Primoratz, 2011; Walzer, 2006a).

further political objective by coercing political authorities. I take *terrorism* as the continual and repetitive employment of acts of terrorism for the same political pursuit. This definition rules out certain violent acts which are widely designated as terrorism. For instance, I do consider the violent attacks against disengaged civilians by the right-wing extremist Anders Behring Breivik that occurred in Norway in 2011 as acts of terrorism, however, I do not define it as terrorism due to its non-recurring nature. Therefore, terrorism signifies societies with long periods of intermittent recurrence of acts of terrorism.

Let me further clarify some parts of the definition. The usage of the notion of terrorism within the political rhetoric and daily language blurs the limits of the application. To overcome this imprecision, I rely on the descriptive features of the act while defining. In doing so, this definition allows us to value-freely⁷ identify the acts of terrorism and to by-pass the cliché of one's terrorist, the other's freedom fighter.⁸

I believe what any definition of terrorism should not lack is its connection with terror. Terrorism is meant to terrorize, in other words, to cause uttermost fear. Nonetheless, any violent act which spreads extreme fear among society would not be considered terrorism. The pursuit of a political objective is essentially related to terrorism: "Terrorism is intimidation with a purpose: the terror is meant to cause others to do things

⁷ Elsewhere I argued (Bulgan, 2017) that terrorism is not an essentially contested concept (Gallie, 1955-1956) since it does not comply with the criterion of appraisiveness. I also argued, *contra* Connolly (1993), that political concepts are neither necessarily value-laden, nor necessarily described from one's evaluative vantage point. Accepting the inseparability thesis of material and formal elements of a concept (Kovesi, 1967) does not necessarily mean the end of the description-evaluation dichotomy. My definition of terrorism is descriptive, and in particular, value-free in the sense that there is no evaluative term in the definition (Carter, 2015).

⁸ Another way of overcoming the cliché of one's terrorist, other's freedom fighter is defining the act of terrorism in terms of means and not ends (Waldron, 2004).

they would otherwise not do. Terrorism is coercive intimidation” (Primoratz, 1990, p. 130).

Terrorization in terrorism occurs through the use of violence. Terrorists coerce their target by imposing certain harm and threatening to inflict further harm if the targets do not comply with their demands. Some philosophers put an emphasis also on the violence against property while defining terrorism (Coady, 2004b; McPherson, 2007). On the contrary, I consider targeting civilians’ lives and limbs as the essential feature of terrorism and I specifically restrict the application of the term to the instances which involve violence against human persons.

I use the term ‘disengaged civilians’ –instead of innocents or non-combatants– to refer to the direct target of terrorism. In doing so, I aim at indicating a value-free word while stressing the indiscriminate nature of violence at the same time. I take disengaged civilians as value-free simply because they can be defined as those who are not engaged in posing threat. None of their actions can give the terrorist the chance of adducing a justification.⁹ Previously suggested alternative terms for the target of terrorism have a shortcoming related to guilt and/or responsibility attribution, to which, I think, ‘disengaged civilians’ is immune. In this regard, one is over-inclusive, while the other is over-exclusive. Innocence comes in grades and is a value-laden word. It is possible to attribute responsibility and guilt even to masses from one’s vantage point. For instance, Osama bin Laden (2005) finds all the American citizens guilty of and responsible for the illegitimate use of violence against Palestinians due to paying taxes to a government that produces weapons that Israel uses to kill Palestinians. On the other hand, the term ‘non-

⁹ Primoratz (1990) defends the usage of the word ‘innocent’ in the definition through this explanation which stresses the value-freeness of the word. However, it is misleading, *prima facie*, due to its daily usage.

combatants' is value-free and it does not leave room for subjective guilt-attribution. However, it excludes those who can be rightly accredited as responsible. For instance, I do not see any reason to deny the liability to harm to military personnel who does not participate in combatting but takes charge of even more essential roles in war efforts (McMahan, 2004). That is why I find the term 'non-combatant' over-exclusive, and hence, misleading.¹⁰

I have already mentioned that the other reason for using the term 'disengaged civilians' is stressing the indiscriminate nature of violence in terrorism. One can rightly object to the indiscriminateness of terroristic violence by pointing that terrorists are careful in their choice of target to maximize their achievement. However, this would only be partially true. Terroristic violence is indiscriminate in the sense that it does not comply with the discrimination principle, that is it does not discriminate between the individuals who are engaged in fighting and who are disengaged from it. The partial truth in the objection is rooted in the choice of the scene and the twofold targeting of terrorism. Terrorists carefully choose the stage where they will perform the indiscriminate violence on the direct and secondary(-in-importance) targets in order to scare indirect and primary(-in-importance) targets (Primoratz, 1990).

The twofold targeting of terrorism is already stressed in the literature (Primoratz, 1990; Waldron, 2004). However, I believe my definition necessarily brings along a tertiary dimension. Since terrorism employs violence on some people to scare a wider group in order to coerce political authorities, the political authority appears to be the further indirect target and presumably the primary in importance (leaving the public

¹⁰ "[E]ven though the responsibility criterion (like the traditional requirement) implies that many civilians are permissible targets in principle, in the vast majority of cases a civilian's degree of liability will be so low that to attack him or her militarily would be wholly disproportionate" (McMahan, 2004, p. 727).

secondary and the direct targets the tertiary in importance). Terrorists have the direct targets to inflict harm, the indirect targets to spread fear among, and the political authority to intimidate or coerce in pursuit of the political objective.

The threefold targeting is also visible regarding the different layers of terrorization. The direct victims of terrorism face a total terrorization, that is “the bestial, desperate terror which, when confronted by real, present horror, inexorably paralyzes everything that is not mere reaction” (Arendt, 1973, p. 441). The indirect victims are terrorized to the degree that they are deprived of exercising their capacity to deliberate and function as rational political actors in the aftermath of the event whereas the political authorities face a “Jack-Benny style coercion” (Waldron, 2004, pp. 11-18) in which the coerced can make use of the ordinary rational choice apparatus before making a choice.

Finally, I think another essential feature to define terrorism should be identified as the denial of the legitimacy of the political authority. Regardless of their political objectives, terrorists believe that the political authority is either partially or altogether illegitimate and their violent act is directed against this authority. For terrorists with fundamentalist ideologies, the denial of the legitimacy of the state does not come as a surprise. For example, a religious extremist terrorist does not find any doctrine legitimate or just, but theirs. However, also the terrorist groups which are open to accepting a broader spectrum of views and reasoning, such as nationalist ones, stress the illegitimacy of the state they are fighting against. This is one of the particularly important features to differentiate the cases of terrorism from those of civil disobedience. Although the civil disobedient does not obey certain rules of the regime in which she acts, she does not necessarily object to the regime whereas the terrorist is profoundly opposed to that regime (Brownlee, 2017).

Before concluding this section, I shall also sketch a typology of terrorism which will be operative in the rest of this thesis. The definition of terrorism I offered in this section is already restrictive than what has been proposed so far. Yet, a thesis that is devoted to providing an answer to how to fight terrorism beyond military means requires the specification of different types of terrorism. Indeed, the just response to the injustice inflicted by various types of terrorism should differ.

Political science literature offers different typologies of terrorism with regard to intended targets, political objectives, public support, organizational structure, and geographic location of operations or deployment (Schmid & Jongman, 2005; Schultz, 1978). Recent studies defend rather complex classifications of terrorism depending on the combination of multiple variables (Ganor, 2021). Relying on this literature, I group four types of terrorism based on the political objectives of the terrorist groups: (i) revolutionary/radical ideological terrorism; (ii) religious terrorism; (iii) national liberation terrorism; and (iv) separatist terrorism (Ganor, 2008).¹¹ Revolutionary/radical ideological terrorism aims at regime change and the replacement of the current regime by an extreme ideology. This type includes communist, anarchist, and fascist groups such as the Italian Red Brigade, the German Baader-Meinhof, the Japanese Red Army, and the Peruvian Shining Path. Religious terrorism sets the goal of disseminating a religion and the social order that religion preaches. This type infamously contains jihadist groups such as Al Qaeda, the Islamic State, the Indonesian Islamic Jihad, the Palestinian Islamic Jihad, and Hamas. National liberation terrorism amounts to expelling an occupying force and establish national independence. This type is exemplified by the Palestinian Fatah.

¹¹ This typology does not introduce an exhaustive list. For instance, as the global climate crisis worsens, we might see a shift from the acts of civil disobedience to acts of terrorism. In this case, environmental terrorism would constitute a separate type.

Separatist terrorism stands for the employment of terrorism in order to achieve territorial separation of an ethnic, religious, or cultural minority. The examples for this type involves the Irish IRA, the Basque ETA, and the Kurdish PKK.

This simple typology of terrorism that relies on the political objectives of the terrorists allows us to identify two categories regarding the radicalism of these objectives. The political objectives of national liberation and separatist terrorism do not necessarily pose a fundamental threat to the democratic system. Nonetheless, the political objective of revolutionary/radical ideological and religious terrorisms is incompatible with democracy. As the rest of my argumentation will demonstrates, the radicalism of the political objectives of the latter group and the necessary de-pluralization of their values will necessitate differentiated or nuanced accounts of justice after terrorism. This is the advantage of presenting a typology of terrorism, i.e. theorizing justice after terrorism in such a way that it responds the specific conditions of all types of terrorism. I hope that my normative suggestion on how to fight terrorism will provide a broad framework to justly deal with all these forms of terrorism.

1.3. Why and How Should We Fight against Terrorism?

I believe there are at least two reasons for democracies to fight terrorism beyond military means. The first reason is political in character. There is a consequential wrongness of terrorism in relation to spreading fear. The utmost fear and terror creates an environment that is so destabilizing that it renders political life infertile (Goodin, 2006; Scheffler, 2006). Considering that instilling and spreading fear as intended means of terrorists to achieve their political objective, a consequential wrongness, following the

deontological wrongness of the aim of spreading fear,¹² appears to be manipulating people by depriving them of exercising their political capacity of deliberation and taking advantage of the situation. This is the particular wrongness of terrorism to democracy or any other participatory political system. Terrorism, regardless of its final goal, results in the rupture or sequential discontinuity of democracy. Therefore, the perpetuity of democracy requires the absence of terrorism.

The second reason is moral in character. I think it is uncontroversial to say that citizens of a democratic country are rights holders. An act of terrorism causes a relational injustice by failing to respond to the normative status of citizens as right-holders (Ceva, 2019). This injustice must initially be remedied and consequently, its recurrence must be prevented.

As to the 'how' question, I hypothesize that the way how democracies should fight against terrorism should refer to the following *normative desiderata*. First, it should be *action-guiding*. It should provide a guiding normative path for real political actors to strive for both in terms of reconciliation and responding to justice claims. Second, it should warrant the *non-recurrence* of terrorism. It should prevent the employment of a practically unsuccessful and morally impermissible form of political violence as a means for the pursuit of political objectives. Third, in relation to the peculiar political wrongness of terrorism to democracy, it should aim at achieving the *uninterrupted continuation of democracy* in the post-transition period.

¹² The terrorist imposes harm and then demands compliance for not imposing harm of the kind he already imposed (Waldron, 2004). By doing so, the terrorist degrades his initial targets into *means*. Any right of them can be terminated, and severe harming can be used as a tool for exercising power over others in order to actualize the terrorist's political objective. This is what I mean by the deontological wrongness. Following this deontological wrongness, a consequential (not consequentialist) wrongness of terrorism appears as depriving people of exercising their political agency as a result of instilling fear.

1.4. In Search of Justice, or Peace or Just Peace?

The title of the thesis reads “justice *after* terrorism”. What I shall do as a consecutive step is explaining why my quest seems to be limited with a specific time frame. I actually think that it is not right to see it as time-constrained. Because I believe my research is rather expansive and it covers all the phases after the time t_0 when an act of terrorism takes place. I assert that reactive post-terrorism military action should be subjected to well-developed rules of just war theory, namely *jus ad bellum* and *jus in bello*. In Chapter 2, I argue when and how to end the military action against terrorists should be regulated by a specifically tailored form of *jus ex bello*. In Chapter 3, I deal with the past injustice by discussing how to vindicate the wrongdoing terrorism inflicts on its victims. In Chapter 4, I argue for a specific conception of reconciliation in order to transform society with the terroristic past.

To inquire about how to deal with terrorism presupposes the existence of a non-ideal situation, that is terrorism. Contrary to the majority of the work in the literature, I do not solely focus on the prevention or pre-emption of terroristic violence. I believe that is not the right approach. Rather, my quest primarily is about what should be done to provide justice to those who are wronged by terrorism without abandoning a sensitive consideration on not damaging the stability of the post-terrorism peace. Therefore, it is an account of *just peace* after terrorism. This does not mean I turn my back on the issue of how to prevent terrorist attacks. Because I think the provision of justice to those who are wronged by terrorism requires the non-recurrence of the attacks. Thus, the prevention of terrorism should be seen as a necessary continuation to the provision of justice after

terrorism within the complete package of the fight against terrorism but not the initial or the focal phase.

One of the indispensable pieces of the puzzle is peace. Peace can simply be seen as the absence of war although reality does not exemplify strictly definable times of peace and war. I believe it is more accurate to see absolute war and absolute peace and all in between in a continuum. Moreover, such an approach helps us to understand what peace *simpliciter* is and what just peace is by underlining particular features. Pierre Allan (2006) forms an ethical scale that measures the situations between absolute war and absolute peace. The two extremes at the ends of the scale leave humankind without choices and deprive them of their agential powers. Thus, morality disappears in both the bad extreme (what I call anthropocide) and the good extreme (agape-paradise). Allan posits eight situations in between these extremes. I will focus on 3 types of peace due to my interest in this section; non-war as peace, stable peace, and just peace. The first type indicates the non-existence of war but it does not guarantee the absence of a possible war. War might be lurking behind an apparent peace as this was the case before World War I. In the second type of peace, that is stable peace, people do not include the possibility of war in their calculations because it is such a marginal possibility that is negligible. The third type, that is just peace, occurs when stable peace is combined with the provision of justice *ex hypothesi*. The question of which concept of or conceptualization of justice with which peace is bounded does not have a strict answer in Allan's perspective. He thinks any specific conception of justice can be chosen among the negotiators and it will suffice to meet the criterion of bringing together peace and justice. Taking into consideration the different conceptions of justice and the negotiators conflicting interests together, a conception of justice which pleases both sides may not be reached. What is more, the

search for justice conception which is more advantageous to parties might run against the search for peace. Allan and Keller (2006) believe that the solution to this problem lies in an *a posteriori* approach that prioritizes the practice of creating a common language through negotiations (a language-oriented process). The practice is just because it is based on the recognition of each parties' identities, on compromise and on jointly writing and accepting rules.

Pace Allan and Keller, I deny basing my argument about the justness of peace on the practice or a language-oriented process. As mentioned previously, I prefer to build my normative account on justice after terrorism on an argument that refers to a conception of justice which prevails under those circumstances. Therefore, I neither leave the choice of a particular conception of justice to the parties of the negotiations nor have I searched the justness of that peace in the ability of this practice to recognize each parties' identities, to compromise and to accept rules. Nonetheless, my conflicting view does not necessitate departing from Allan's account altogether. I also believe just peace is a combination of stable peace with the provision of justice. Hence, whenever I mention just peace in this thesis, I refer to concurrent actualization of a stable peace and a particular conception of transitional justice.

As the discussion on peace demonstrates, the other crucial piece of the puzzle is justice. My first reference point for theorizing justice after terrorism will be just war theory. Different conceptions of justice after war appear as promising candidates for developing an account of justice after terrorism. Theories of *jus post bellum* cover the principles which morally guides not only how to terminate war but also the aftermath and early transition (Bass, 2004; Orend, 2000; Orend, 2007; Walzer, 2012). Even if *jus post bellum* is applicable and normatively suitable for the case of terrorism, it does not guide

us for the entire transition. Theorizing justice after terrorism that is responsive to the normative *desiderata* I set, requires giving careful consideration to forward-looking aims such as reconciliation.

The literature on transitional justice encompasses an extensive area of research due to the lack of clarity on its conceptual limits (Mihai, 2016; Nagy, 2008). Nevertheless, it is mostly seen as a distinct concept of justice that applies to the transitions that are either from conflict to peace or from authoritarianism to democracy or the concurrent eventuation of both. The problem of justice in transitions from conflict to peace arises within the distinctive context of transition (Teitel, 2000). The question that transitional justice theory tries to answer is “What constitutes the just pursuit of societal transformation?” (Murphy, 2017, p. 112). I believe such transformational focus in justice conceptualization offers a perspective that is in accordance with my overall goal in this thesis, which is transforming the society that is characterized by terroristic violence into a decent one. Justice after terrorism covers the questions of when and how to stop the military conflict, how to provide just peace, and how to prevent the recurrence of terrorism. Hence, it necessarily tackles with just societal transformation in order to successfully transit from conflict to peace.

As mentioned previously, transitional justice is responsive to the problem that emerges from the transitional circumstances. Murphy (2017) identifies these circumstances as the following: (i) pervasive structural inequality; (ii) normalized collective and political wrongdoing; (iii) serious existential uncertainty; and (iv) fundamental uncertainty about authority. The distinctiveness of transitional justice lies in the problem that these circumstances create and other concepts of justice, including retributive, corrective, restorative and distributive justice, are incapable to answer the

problem of transitional justice. Despite terrorism does not necessarily emerge from these circumstances, justice after terrorism falls in the close vicinity of transitional justice by mulling over the problem of just pursuit of societal transformation. Moreover, terrorism, when defined as the continual and repetitive employment of acts of terrorism for achieving a political objective, signifies a society with intermittent occurrences of indiscriminate violence against disengaged civilians. When the warfighting and violence ceases, such society is in transition. That is why I would like to present justice after terrorism as an account of transitional justice.

I argue that justice after terrorism as a transitional justice account should be based on recognition theory. There are several reasons for my conviction to embedding my transitional justice account in recognition theory. First, Honneth's theory (1995) offers one of the most sophisticated perspectives to comprehend how victims of misrecognition are harmed. I think adopting a recognition-theoretical perspective to grasp terrorism's wrongdoing on its victims would allow us to depict the nature of included harms. This specification also guides us on how to remedy these individual and developmental harms. Second, the social ontological account of recognition theory fittingly captures the harm that terrorism inflicts on society and directs us on how to conceptualize reconciliation. Thus, these two accounts of recognition are suitably responsive to the Janus-facedness of transitional justice. Moreover, there is no extensive transitional justice argument that relies on recognition.¹³ It is hoped that my theorization of justice after terrorism would

¹³ The works of Corradetti (2012) and Haldemann (2008) constitute exceptional recognition-theoretical conceptualizations of transitional justice. Haldemann provides only a backward-looking perspective in order to justly deal with past injustice whereas Corradetti proves the incompleteness of exclusively backward-looking and exclusively forward-looking theories and offers a comprehensive account. Yet, his discussion which is based on recognitional public sphere practices is highly theoretical and not action-guiding.

lead to some conceptual discussions in transitional justice and inspire different conceptualizations.

2. *Jus post Terrōrem*: A Sisyphean Task for Just War Theory?

As mentioned in the previous chapter, political philosophy literature on terrorism does not provide much in terms of what should be done after terrorism or how justice after terrorism should be conceptualized. However, I believe just war theory can be an auspicious reference point for the endeavours aiming at answering these questions. *Jus post bellum* especially seems promising for theorizing justice after terrorism.¹⁴ In this chapter, I shall critically assess just war theory's *jus post bellum* and seek whether a satisfactory theory of justice after terrorism can be grounded in it.¹⁵ I shall start with reconstructing the general principles of *jus post bellum* and examining if the prescriptions of *jus post bellum* are applicable to terrorism. Then, I will raise critical points to scrutinize just war theory's normative capacity to theorize post-conflict justice. Finally, I shall single out the moral principles of ending warfighting against terrorism.

2.1. Terrorism and Post-War Justice

The post-war justice has arguably been an implicit part of just war theory although the literature has mainly focussed on the moral rules for resorting to war and those of the conduct during war as the famous distinction between *jus ad bellum* and *jus in bello*

¹⁴ I will use the Latin term *jus post bellum* for referring to the traditionalist conception that is reconstructed in section 2.2. whereas justice after war is a general term for post-war justice conceptualizations in just war theory.

¹⁵ The philosophical literature dominantly frames the issue of terrorism within the ethics of war. It is generally taken for granted why ethics of war is the relevant philosophical sub-field for contemplating on questions related to terrorism (Boyle, 2017; Mooney, 2008; Walzer, 2006b). I am not planning to provide an extensive account here, either. I think it suffices to think terrorism as an asymmetric warfare strategy in order to treat it within the framework of the ethics of war.

suggests. In the classic just war theory literature,¹⁶ post-war justice has been embedded – or at least anticipated – in *jus ad bellum*: “It is an established fact that peace is the desired end of war. For every man is in quest of peace, even in waging war, whereas no one is in quest of war when making peace” (Augustine, 1984, p. 866). Moreover, it would not be wrong to deduce that the just party of the conflict already has a morally defensible idea on how the just outcome of the war would and should be taking into consideration that the justness of waging war requires compliance with *jus ad bellum* principles of just cause, right intention and the meaningful prospect of success. This supports the idea that *jus post bellum* is implicitly considered within the context of *jus ad bellum*.

Despite post-war justice in the classic just war theory is mistakenly underestimated to minimally re-establishing the *status quo ante bellum* by restoration and reparations (Walzer, 2012), it is possible to find a richer and more expansive account in the classic texts. De Vitoria (2005) claims that the execution of enemy combatants by just warriors is allowed as a form of punishment; the victorious just party is not only free from bearing any obligations of restitution but is also entitled to occupy the vanquished party’s lands for compensation, and the removal of the enemy regime is permitted if the regime poses a threat to stability and peace. Although post-war justice has been touched upon since the very beginning of the just war tradition, it remained a relatively unattractive topic in modern times. A renewed interest in justice after war arose in relation to the practical necessity that the destructive conflicts of the 1990s had brought. Relatedly, some authors pointed out the importance and the necessity of well-established moral rules for

¹⁶ By *classic* just war theory, I refer to the Christian doctrine and its developers. By *traditional* just war theory, I address Michael Walzer’s liberal conception of just war theory and pursuant adherent accounts. By *revisionist* just war theory, I mean the reductivist and individualist critics of the Walzerian conception.

the post-war period in order to have a comprehensive and complete just war theory (Bass, 2004; Orend, 2000).¹⁷

2.2. Traditionalist Account of *Jus post Bellum*

In this section, I will present the general principles of the traditionalist *jus post bellum* as it is championed by Michael Walzer and the adherent accounts (Bass, 2004; Orend, 2006; Walzer, 2006a). However, I would like to point a presumption that has been made by *jus post bellum* theorists before reconstructing the principles of *jus post bellum*. The presumption envisages the necessity of the victory of the just state to provide justice after war. This presumption has a twofold significance. First, *jus ad bellum* principles must have been met by the political authority at the first stage so that the war can be just. Second, the just state must be or about to be the victorious party of the military conflict.¹⁸ I believe this presumption plays a significant role in leaving the *jus post bellum* rudimentary and unseemly. For the moment, I leave the task of further discussing this point to the following sections and I commence with the reconstruction of the principles of *jus post bellum*.

¹⁷ Also John Rawls implicitly stresses the importance of the moral rules for war ending: “The way a war is fought and the deeds done in ending it live on in the historical memory of societies and may or may not set the stage for future war. It is always the duty of statesmanship to take this longer view” (Rawls, 1999, p. 96).

¹⁸ Walzer (2006a) supports these two presumptions in the early writings. He claims that a decent post-war political order cannot be achieved as a result of unjust war. Later, he sophisticates his argument and argues that a “misguided military intervention” or “a preventive war fought before its time” or “a war unjust on both sides” might lead to the construction of a decent regime (Walzer, 2004). Finally, in a more recent work, Walzer (2012) explicitly defends the independency thesis also for *jus post bellum* and assert that an unjust war can lead to a just outcome afterwards.

2.2.1. Just End of War

Status quo ante bellum is the situation that has led to or allowed aggression in the first place. The objective of justice after war should be creating a comparatively better state of peace, i.e. a more secure and less vulnerable situation than the *status quo ante bellum* (Walzer, 2006a).¹⁹ Accordingly, *jus post bellum* should lie not only in resistance, restoration, and reparations but also in reasonable prevention against future attacks. Although these principles reflect on the prosecution of war criminals and punishment, these measures are not always appropriate for the interstate system. Because they might require military conquest which prolongs the war and results in the adoption of disproportionate means.²⁰ The liberal conceptions of just war theory elaborately emphasize sovereignty and the integrity of political communities and this emphasis hinders them from taking overarching post-war actions (Rawls, 1999; Walzer, 2006a). The provision of minimal security for the victim may still necessitate disengagement, demilitarization, arms control, external arbitration and even temporary occupation of the enemy territory (Walzer, 2006a).

Apart from the normative reason on the incapability of *status quo ante bellum* to maintain peace, the sheer destructiveness of war brings along the empirical impossibility of restoration (Orend, 2000). Hence, the just end of *jus post bellum* should aim at achieving peace which could not justifiably be altered by war. Orend's suggestion for the realization of such a goal is a more secure possession of human rights and state rights (such as the right to political sovereignty and the right to territorial integrity). That is why

¹⁹ Walzer's seminal work on ethics of war, namely *Just and Unjust Wars*, only gives brief remarks on *jus post bellum*. In a more recent work, Walzer (2012) clarifies that he maintains the stance on arguing for the aim of post-war justice being a situation that is better than *status quo ante bellum*, but *not all the time*.

²⁰ Walzer understands punishment in vague terms. He thinks of military defeat and preventive measure taken by the just side at the end of the war as punishing enough (Walzer, 2006a, p. 121).

the just end in *jus post bellum* should be vindicating the rights whose violation provided a justification for the just state to resort to war.

2.2.2. Restoration and Reparations

The common formula in *jus post bellum* is the following: restoration as the duty of the victor and reparations as the duty of the vanquished. In this formula, the duty of restoration varies between the obligations of cleaning the battlefield at the one edge and rebuilding infrastructure at the other, whereas reparations stand for the provision of compensatory and non-vindictive economic reconstruction of the victor –through the sources ideally coming from the pockets of the political leaders and the elite of the aggressor state or through general taxation (Bass, 2004).

Following the argument that *jus post bellum* is embedded in *jus ad bellum*, one expects the state which took the positive *ad bellum* decision to also bear *post bellum* obligations. However, taking into account the exorbitance of *post bellum* responsibilities, the parties might opt for multilateral action in affording the costs of reparations and political reconstruction. Walzer (2006a) argues that reparations can also be seen as a form of collective punishment for the citizens of the aggressor state. The provision of resources should rely on a tax system including not only the supporters of the decision to wage an unjust war but also the ones who opposed it. Therefore, the civilians who were immune to military targeting become the political and economic targets at the end of the war by being collectively punished through the extraction of reparative payments via taxation. The distribution of costs is not the distribution of guilt: “We penalize innocent people, including children, in the aggressor state in a constrained way, in order to benefit innocent

people in the state that was unjustly attacked. And that is *jus post bellum*: not perfect, but as good as it can be” (Walzer, 2012, p. 42).^{21 22}

2.2.3. Political Reconstruction

Military occupation and political reconstruction are the outer limits of what can be pursued after war. They are exceptional measures that are applicable only to the unique cases of Nazi alike threats. What Walzer (2006a) stresses, in this specifically exceptional case, is neither the crime of aggression nor the dreadful atrocities that the Nazi regime committed, but a non-accidental and inherent threat to the existence of a world of shared values.²³

²¹ As explained, Walzer (2012) argues for the provision of reparations through general taxation in relation to the distribution of punishment –and not that of guilt– and as the destiny of citizenship. Possibly, Bass (2004) did not want to restate this poor reasoning and justified the tax on the ground of a national price for the sovereignty of the defeated state. Nevertheless, this argument is essentially incoherent with the rest of Bass’ theory. In his account, for instance, sovereignty of the defeated state must be respected as soon as the war is over. Even the peoples of genocidal states against which just intervener obtains a moral duty to politically reconstruct, are entitled to their sovereignty so that they should be allowed to govern themselves after the pedagogical reconstruction. However, following his argument for the taxation, Bass ties the enjoyment of national sovereignty by the defeated aggressor *simpliciter* to a condition, that is the price of reparations.

²² Orend (2000) opposes the collective punishment through taxation in the provision of reparations and underlines that this is against the principle of discrimination. Since the political authority initiated the aggression, there are clear culprits. Penalizing civil population through general taxation would be an indiscriminate distribution of guilt. He thinks the primary source for the compensation should be the personal wealth of the political and military elite of the aggressor state. If these personal assets are inadequate or inexistent, only then a moderate claim of compensation can be collected through taxation.

²³ Walzer believes that this outer limit was not a proper measure against Imperial Japan at the end of World War II but only to Nazi Germany. In order to specify the intolerable criminality of Nazi Germany which makes it the only example of justified political reconstruction in the eyes of Walzer, Bass (2004, p. 396n49) tries to evaluate what distinguishes it from other atrocious states such as Imperial Japan. He must have found no peculiar sound reason to distinguish Nazi Germany so that he asserts that the reconstruction of Imperial Japan after WWII was indeed justified even on Walzerian grounds.

I, on the other hand, find Bass’ reading of Walzerian exceptionality regarding post-war duty to reconstruct inexact. As previously mentioned, for Walzer, the peculiarity of Nazi Germany does not lie in the crime of aggression nor in genocide. It is rather about a blurrily defined, non-accidental and inherent(-to-the-regime) threat against the existence of a world of shared values. I am inclined to think that this world of shared values is essentially that of liberal western tradition. The particular threat which requires political reconstruction originates from Germany, a country that is an indispensable part of the western tradition and it poses a danger to its fundamental values from inside. I believe this is what makes Nazi Germany unique. Otherwise, I cannot see any reason to exceptionally single out Nazi Germany as the only case which is morally justified to politically reconstruct while not granting the same moral status either to the

The desired outcome of just military occupation and political reconstruction heavily relies on the conditions of democratic theory and distributive justice. Walzer (2004) claims that the condition which just political reconstruction should secure are self-determination, popular legitimacy, civil rights, provision of the common good, promotion of welfare, protection of minorities, protection of neighbouring states against aggression, and elimination of destitution and starvation. This particular argument of *jus post bellum* does not resemble the reasoning used in traditionalist just war theory.²⁴ By accepting that the fundamental principles of just political reconstruction are based on democratic theory and social justice, Walzer clearly goes beyond the moral reasoning palette which just war theory provides. Such exceeding is particularly question-begging in a traditionalist approach since traditionalist just war theorists claim that the morality of war is distinct and the ethics of war should be collectivist and irreducible to regular justice debates. By inserting other moral reasoning apparatuses, traditionalists construct *jus post bellum* “at the risk of harming the initial rationale of [...] unifying the legitimacy of war and the

contemporaneous Imperial Japan, especially because of Nanjing massacres and rapes, or to the Ottoman Empire after WWI, due to late Ottoman genocides, or the British Empire after II. Anglo-Boer War, due to concentration camps.

²⁴ Traditionalist just war theory offers a collectivist account of war. War is seen as a relation between collectives (almost always only states) and it is thought to be governed by distinct moral principles which are suitable only to the peculiarities of war and which are irreducible to interpersonal cases. It is also assumed that the moral judgement of war relies on two separate sets of moral principles that are particularly relevant to resorting to war and to the conduct in war. States may go to war only in the cases of self-defence, other-defence, and humanitarian intervention. Combatants are liable to be targeted simply because of posing danger to their counterparts while civilians are immune. Foreseeable harm to civilians can be morally permissible only if it is collateral and non-excessive. On the other hand, revisionists challenged the traditionalist views on taking states as the only legitimate authority to wage war, on the moral equality of combatants, and on non-combatant immunity. Although there are some exceptions to the following generalizations, it would not be wrong to state that archetypal traditionalist is exceptionalist (killings in war, contrary to peacetime, can be justified by relying on the distinct properties of war) and collectivist (taking collectivities as the matter of concern in war); and archetypal revisionist is reductivist (all killings, either in war or in peacetime, can be justified by the same moral properties) and individualist (taking individuals and individual acts as the matter of concern in war). It is worth reminding that there are also many traditionalist and revisionist war ethicist who would not fit into these archetypes (Frowe, 2018; Lazar, 2017a).

peace on the grounds that just wars are wars waged to secure a just peace” (Bellamy, 2008, p. 609).

As noted previously, political reconstruction is taken as a matter of political legitimacy, democracy and social justice. I further argue that Walzer forms *jus post bellum* through a selective combination of components from different concepts of justice. He supports the disguised *jus post bellum* in the classic just war theory which refers to restorative justice (Walzer, 2012). Retributive justice may come into the picture through war crime trials when necessary (Walzer, 2006a). In exceptional cases, it is morally allowed to pursue political reconstruction which is grounded in democratic theory and transitional and social justice (Walzer, 2012). It appears that the single case and the particular common good which needs to be promoted in that case determine the qualities of the justice after war:

“Do justice even if the heavens fall” is not a good idea in the aftermath of war; *jus post bellum*’s first aim, as I have been arguing, is to stop the heavens from falling. Sometimes a clear judicial repudiation of mass murder and the punishment of the murderers is the best way to forge a secure peace. Sometimes security might require amnesties and public forgetfulness. Sometimes, the simple exposure and acknowledgment of crimes may point the way to reconciliation. In these life and death cases, the idea of *just a peace takes precedence over a just peace*—though we should certainly try to bring the two together (Walzer, 2012, p. 45).

Although Bass (2004) primarily argues for a presumption against reconstruction and backs it with several reasons, these reasons render only a presumption against reconstruction intact, not an absolute prohibition. Following the Walzerian exceptionalist line of argument for the permissibility of political reconstruction, Bass limits the application of *jus post bellum* duty to reconstruct to the genocidal states and to the situations which are likely to result in the initiation of another unjust war. The radicalism

of genocide renders genocidal states groundless for any meaningful claim to legitimacy. These states lose their moral personality as a state by exterminating their own citizens. Morally groundless genocidal states must be replaced by other governing authorities and that is why there is a post-war duty of justice owned by the just victors to reconstruct those states.

Orend (2000) offers a more permissive account for political reconstruction without departing from the just war theory reasoning. Political reconstruction applies to the regimes whose existence pose a credible danger to international justice and human rights. He addresses that political reconstruction includes the duty of providing political therapy or pedagogic training until the new regime stands on its own. The permission to political reconstruction is granted under the conditions of (i) just war (both in resort and in conduct); (ii) the state having lost its moral personality as a state; (iii) the aim of forming a minimally just state; and (iv) just transformation process (Orend, 2000; Orend, 2006).

2.2.4. Punishment

The mere existence of aggression necessitates the aggressor and the violations of human rights, a wrongdoer. The heads of states and the people who are organizationally in the close vicinity are criminally accountable for the crime of aggression; and the commanders of a military campaign for the strategy and the tactics that the army adopts (Walzer, 2006a; Orend, 2000).²⁵ Although fighters in the field are non-criminal in

²⁵ Similar to the political reconstruction, war trials have a limited application in Walzer's account. In fact, their limited applicability is related. Walzer (2006a) thinks that war crime trials would require military occupation and political reconstruction and such overarching post-war acts should not be allowed as long as the activities of the unjust party are not against the conscience of humankind.

character –at least in the traditionalist view–, they can be held accountable for the right application of the criteria of necessity and proportionality regarding the actions which require the violations of the rules of war convention (Walzer, 2006a).

Orend (2000) believes the prosecution regarding the violations of *jus ad bellum* principles should be asymmetrically applied to the unjust side whereas such asymmetry should not be reflected in the prosecution of the violations of *in bello* principles since the belligerents on the just side may have failed to meet *jus in bello* principles, too. Only an impartial, permanent and competent international court should be entitled to hold these prosecutions.

To recapitulate, traditionalist *jus post bellum* principles can be summarized as the following: (i) restoration and reparation; (ii) punishment; and (iii) political reconstruction (Bass, 2004; Orend, 2000; Orend, 2006).

2.3. The Question of Applicability

I should underline that my discussion in this section is limited with the evaluation of the capacity of the abovementioned traditionalist account of *jus post bellum* for being a basis for justice after terrorism. I do not dwell on the competency of *jus post bellum* to govern the moral principles of post-war justice in this section –although my specific examination unearths some of the shortcomings of the theory.

I shall make a further clarification. In the following part of this chapter, I will consider terrorist groups as the unjust party of the conflict in order to have a similar schematic picture to the traditionalist *jus post bellum*. However, my definition of terrorism does not entail such unjustness. In the first chapter, I defined an act of terrorism

as the use of violence, and/or a credible threat of its use, against disengaged civilians in order to spread fear among society in pursuit of a further political objective by coercing political authorities. In relation to this definition, terrorism stands for the repetitive and continual employment of acts of terrorism for a political pursuit. Such an asymmetric warfare strategy, however, can be adopted by just and unjust parties. The paradigmatic cases in which the just party of the conflict adopts such a strategy would be the British bombardment of German cities during WWII. Although any agent who commits an act of terrorism could be seen as a terrorist, in this section, I will refer to terrorist groups as the entities who exclusively adopt terrorism as the form of warfighting to achieve their political objectives.

Terrorist groups as such are necessarily the unjust party of the conflict. Because, first, my definition of terrorism takes targeting of the disengaged civilians as an essential feature of the phenomenon, and hence, it results in the necessary violation of the discrimination principle. Second, works in political science illustrate that terrorist groups do not achieve their political objectives (Abrahms, 2006; Cronin, 2009). Thus, terrorist groups fail to comply with the principle of a reasonable prospect of success. Third, in relation to the last point, terrorist groups necessarily violate the proportionality constraint, too, since the harms inflicted by the indiscriminate killings of disengaged civilians would be disproportionate in the face of a failure of achieving political objectives.

Let us start the examination of the applicability of *jus post bellum* to terrorism with the traditionalist presumptions. *Jus post bellum* theorists primarily assume that the state fighting against the terrorist group should be the just party. The state easily meets the just cause criterion since it invokes self-defence against the attacks of the terrorist group. However, this does not automatically render the state as the just party. For

instance, the incomppliance with other *jus ad bellum* principles of right intention, reasonable prospect of success, proportionality and the last resort might deem the state unjust in relation to the specific properties of each case. The state fighting terrorism can be either just or unjust and the traditionalist take on *jus post bellum* does not provide any insight for the latter case.

The other assumption which hypothesizes that the state must be or about to be the victorious party of the military conflict is another unfitting requirement for the case at hand. Taking into consideration the irregularity and the clandestine cell system of terrorist groups, strictly defined military victory becomes an unsuited premise. Such an absolute victory against terrorist groups cannot be certainly obtained because of the possibility of temporal inactivity of terrorist cells. Especially, the types of terrorism which tend to have looser ties with a central authority such as religious terrorism challenges the expectation of an absolute victory. For instance, although ISIS/Daesh is today considered as a defeated enemy by many political authorities, it is known that the group governs cells in Syria and Iraq and military camps in Afghanistan which might reactivate in the future.²⁶

Is it possible to actualize the just aim of the war under these circumstances? The lack of decisive military victory undermines the realization of the just aim of the traditionalist accounts, that is achieving a peace that cannot be altered by war. If the just end of war is a better state of peace and if it means a less vulnerable peace than *status quo*

²⁶ The clandestine cell system of terrorist organizations render a decisive military victory over terrorist groups impossible. This implies that there is no end to terrorism through warfighting. Then, is my whole argument on justice after terrorism baseless? If we can never be sure about putting an end to terrorism, how can we theorize justice *after* terrorism? I should stress that a decisive military victory is a tangible and absolute military situation, whereas the word “after” in justice after terrorism refers to the “mopping up efforts, namely the efforts at the end and after the end of war [and/or terrorism] that lead into a position of peace” (May, 2012a, p. 3; May, 2013, p. 317). In the case of terrorism, there might be no ceasefire that resembles the formal end of wars. However, we can take the point in time in which hostilities diminished to a certain level so that peace discussions could start to determine temporary limits of justice *after* terrorism.

ante bellum, we shall note that the peace achieved after terrorism can, at best, be as vulnerable as pre-terrorism *status quo* –but not less– due to the possibility of the activation of temporarily dormant terrorist cells. Under these circumstances, the only way of reaching a better state of peace appears to be through negotiations. Nonetheless, *jus post bellum* does not provide any insights on justice after war without defeating the unjust party.

Many other issues of incompatibility between traditionalist *jus post bellum* principles and terrorism originate from the state-centred and interstate-system-based theorizing of the account. For example, the arguments for post-war preventive measures for future aggressions are developed for interstate wars. If the state is not competent enough to prevent the flourishing of a terrorist group or prevent its attacks, how can one reasonably expect it to provide disengagement, demilitarization, and arms control in the absence of absolute military victory and/or negotiations? The clandestine cell system poses a substantial obstacle for the application of preventive measures as it does for claiming an absolute military victory.

Similarly, the argument on political reconstruction falls into a grey area in which the feasibility of the principle is extremely low even if the principle holds true for terrorism in theory. The decisive role for the application of the political reconstruction is played by the existence of genocide in the ensuing accounts of *jus post bellum*. Terrorist groups, as well as states, can play a major role in such an atrocity. For instance, ISIS/Daesh committed genocide against Christians, Shia, Yazidis and other religious and ethnic minorities in Iraq between 2014 and 2017 (European Parliament, 2016). Nevertheless, political reconstruction is justified on the ground of the loss of the state's moral personality due to exterminating its own citizens. The post-war reconstructive duty

grows against morally groundless genocidal states (Bass, 2004). In the current example, the genocidal entity is not a state and it has never acquired the moral personality of a state. What the traditionalist account supports against genocide are political reconstruction and war crime trials. In the case of genocidal terrorist groups, there is genocide; there is a genocidal institutionalized entity; there are supporters and militants, yet not a state and consequently not a traditionalist solution. One can simply argue that, in these cases, war crimes trials should suffice to punish the culprits and there is no need for political reconstruction in the absence of a state. But this explanation falls short of providing a social remedy. Holding the decision-makers and executioners legally accountable does not result in the demise of the genocidal ideology which is supported by those people.

In addition, the state-centredness of the account creates obstacles to apply the principle of reparations to the unconventional forms of war. Taxation-based provision of reparations from the vanquished does not suit the post-terrorism justice. In the case of domestic terrorism, the providers and the beneficiaries of the reparations would be the citizens of the same state. In the case of transnational terrorism, members of the terrorist group are not constituted by the nationals of one state.

To sum up, *jus post bellum* suffers from considerable shortcomings to provide insights for unconventional forms of war. The traditionalist conceptualization of war as necessarily interstate makes it compelling to apply the principles of *jus post bellum* to asymmetric warfare and the aforementioned presumptions are particularly unsuitable to terrorism. In the following section, I will examine if a revisionist take on justice after war can immunize the theory to the problems the traditionalist account suffers from.

2.4. Revising *Jus post Bellum*

I shall take a step back and explain the revisionist take on the moral status of war. *Pace* traditionalists, revisionists take the justness of resorting to war as dynamic. A war that complies with all requirements of *jus ad bellum*, in the beginning, may fail to do so later on; and *vice versa*. To see this, consider the following cases.²⁷

Case 1. Suppose state B commits aggression and occupies some part of state A's territory. At time t_1 , A wages a war of self-defence against B. A's war complies with *jus ad bellum* criteria. It has the just cause of self-defence. A has a reasonable prospect of success to achieve its just aim without breaching proportionality and discrimination principles. It is a proportionate response to the injustice caused by B's aggression. A does not employ war strategies which include indiscriminate targeting of disengaged civilians. The war of self-defence is the last resort to reverse B's aggression or prevent its furtherance.

Additionally, suppose that new information on the military technology B acquires is revealed at time t_2 .

Case 1.1. A's just war against B at t_1 might be rendered unjust at t_2 if that information makes A's war incompatible with the criterion of a reasonable prospect of success. If A does not hold a reasonable prospect of success at t_2 , should A end its war here and now? What if, in relation to the revealed information, A does not hold a reasonable prospect to achieve the just end of its war against B's aggression altogether

²⁷ The following case and its sub-versions are thoroughly discussed in the literature. Here, I only use simple examples to show that continuing an unjust war or ending a just war might be morally right thing to do under certain circumstances (Fabre, 2016, pp. 26-53; Moellendorf, 2008; Moellendorf, 2015; Rodin, 2008; Rodin, 2015).

and yet, A is still able to re-attain, say, 70% or 80% of the land occupied by B if it goes on fighting? Should A end its unjust war?

Case 1.2. A's just war against B at t_1 might be rendered unjust at t_2 if that information makes A's war incompatible with the criterion of proportionality. Suppose the proportionate harm to overcome the injustice of aggression is measured as 10,000 casualties. Due to the information that has been received at t_2 , A knows that achievement of the just end would militarily require 12,000 casualties which are over the proportionality constraint. Yet, further suppose, A has already lost 8,000 belligerents between t_1 and t_2 . Should A end its war here and now? Would ending the war be not dishonouring the lives of 8,000 people? Should A continue warfighting and achieve its just aim with 12,000 casualties and violate the proportionality principle?

Case 1.3. A's just war against B at t_1 might be rendered unjust at t_2 if that information makes A's war incompatible with the criterion of discrimination. In relation to the revealed information, A knows that it cannot achieve its just aim without deliberately targeting disengaged civilians. Should A finish its war here and now?

It seems that the right answers to these questions would necessarily depend on the particular circumstances. However, I believe there is a *prima facie* obligation to end the initially just war. In *Case 1.1*, A must end its war against B since it understands that it cannot achieve just end unless, by continuing war, it can gain something which would have provided a just cause for resorting to war as an initial just aim (a significant regain of the occupied territory). In *Case 1.2.*, A must end its war since casualties at t_1 cannot be seen as sunk costs. In *Case 1.3.*, A ought to end its unjust war. However, there are

exceptions to this a *prima facie* obligation as the example of World War II illustrates (Fabre, 2016).

With the reveal of the new information at t_2 , we know that the just party cannot win the war without violating essential *ad bellum* and/or *in bello* constraints. These are cases in the majority of which ending the just war is a morally right thing to do. However, the traditionalist accounts do not offer a way of pursuing just peace in such cases. If A follows the *prima facie* obligations in the aforementioned cases, it cannot militarily win, and hence, cannot obtain a peace that will not be altered by war. A revisionist take on *jus post bellum* provides an argument for overcoming one of the two assumptions the traditionalists embrace, namely the necessity of military victory:

To insist that A, who *ex hypothesi* is a just belligerent, ought to surrender to B under those circumstances –in other words, to admit defeat– seems *prima facie* unfair. Instead, A may offer terms for [...] [an all things considered justified peace] –in other words which on the one hand protect the basic human rights of its members (as well as of innocent third parties) and on the other hand are as propitious to a just peace over time as feasibility and desirability constraints allow. All the same, if A could secure better terms at the bar of its members’ and third parties’ human rights by suing for peace than by continuing to fight, it is under a duty to do so (Fabre, 2016, p. 41).

Likewise, the shortcomings of the other traditionalist assumption, namely the necessity of being the just party of the conflict, can be overruled by revisionist considerations. Taking revisionist considerations into account, an initially unjust war of A’s may turn into a just one by time. The new just cause may stem from a distinct reason, as wholly unrelated to the initial unjust cause or the new just cause flow from a consequence of the initial unjust cause (Fabre, 2016).²⁸

²⁸ If an initially unjust war which lacks the most important *ad bellum* criterion, namely just cause, can turn into a just war due to changing circumstances, *a fortiori*, the incompliance with one of the other *ad bellum* criteria can be assumed to be overcome by changing circumstances.

Case 2. A wages a war of aggression against B at t_1 .

Case.2.1. During the course of the war, new information reveals to A that B has been pursuing a secret campaign of ethnic cleansing against a particular minority. Should A stop fighting at t_2 although newly revealed information gives her a just cause that is wholly unrelated to the initial unjust cause?

Case 2.2. B takes advantage of the chaos created by the war and starts a campaign of ethnic cleansing against a particular minority that has been hostile to the regime. Should A stop fighting at t_2 although newly revealed information gives her a just cause that is related to the initial unjust cause?

If A's justification to continue the war is unrelated to the initial unjust war as illustrated in *Case 2.1.*, this should be seen as a new war in moral terms and A must continue fighting to achieve the new just end and then must surrender and admit to losing its initial unjust war. If A's justification to continue the war flows from a consequence of the initial unjust war as *Case 2.2.* exemplifies, A should choose between continuing and exiting war depending on which decision protects more individual human rights. If continuing with war benefits the people who are responsible for the wrongdoing, A must end the war. If the continuation does not benefit those who are responsible for wrongdoings, A has a justification not to exit the war (Fabre, 2016).

To take stock, revisionists envisage that there might be moral reasons to end a just war and to continue an unjust war under certain circumstances. This underlines that the only morally right way to reach a just peace does not essentially pass through the military victory of the just party.

2.5. The Question of Normativity

In the previous sections, I demonstrated the applicability problems of *jus post bellum* and how to overcome at least those that emerge from the traditionalist presumptions via revising the theory. Indeed, a revisionist take on justice after war might further enlarge the suitability of the theory to non-conventional asymmetric warfare. Fabre's (2016) cosmopolitan peace theory appears as a stronger candidate for such endeavour. First, it overcomes the difficulties posed by traditionalist presumptions by not necessitating the military victory of the just side. Second, it does not tie the (statically understood) moral status of war with the post-war justice duties. Third, it addresses a generally overlooked difference in *jus post bellum* literature between procedural and substantive justice. Procedural justice applies to the conditions which make an agent competent to sue for peace whilst substantive justice refers to the content of peace settlement. In turn, it provides separate guidance for suing for peace and endorsing peace settlements. Fourth, it offers an all things considered justified peace that minimally consists in a state of affairs in which individuals enjoy their basic human rights although not all of their non-basic human rights due to the moral and hard constraints. Hence, all things considered justified peace is sensitive and able to be tailored to the particular circumstances of each situation. It equips us with a wide range of possibilities to adopt the principles of restitution, reconstruction, and punishment in relation to the particular circumstances of each case. Nonetheless, the potential capacity of this theory derives from crossing the borders and limits of the just war theory. That is why I would like to articulate more fundamental concerns about the capacity of the theories of justice after war to achieve just peace, instead of pursuing a discussion on cosmopolitan peace theory or a revisionist peace theory. Should just peace be theorized through the proposed principles of just war theory?

Recall that one of the reasons for the dismissal of the principle of restoration is the empirical impossibility of restoring the *status quo ante bellum* due to the sheer destructiveness of war. This empirical feature has also a normative implication on *jus post bellum*, especially on reparations. *Jus post bellum* commands that the unjust party is deemed responsible to correct the harms it caused through reparations. Considering the graveness and seriousness of the harms that are inflicted in wars, reparations will be profoundly exhausting for the unjust party. Indeed, compensatory reparations will be all-consuming and irrecoverable taking into account that any plausible account of reparations would assign reparatory duties in light of any violations or justifiable infringements of human rights (Lazar, 2012). The full compliance with the duties deriving from the principle of reparation would be rendered impossible due to hard and moral feasibility constraints such as different levels of responsibility of the individuals in rights-violating group actions, and relatedly, the problem of identification; vast numbers of claimants of the reparation; the epistemic problems with acquiring knowledge; and the difficulty of proving the direct causal linkage between war and harm (and not between other anthropogenic reasons) (Fabre, 2016).

Furthermore, compensatory payments do not prioritize the victims with particular needs and vulnerabilities. War is destructive, so are the particular harms which war inflicts upon individuals. Many victims are threatened with extreme poverty and homelessness. Reparations are not sensitive to such vulnerabilities. In order to direct the resources to the neediest in the post-conflict situation, reconstruction should morally be chosen over reparations or a vulnerability-based reparative scheme should be theorized (Lazar, 2012). Reparations should morally be subordinate to reconstruction.

The reparative payments are commonly extracted from the wrong people as they are directed to the wrong people. As explained previously, *jus post bellum* envisages general taxation which means forcing the innocent and disengaged members of the unjust party to pay for reparations. This is not only wrong in itself but it also enhances the possibility for further conflict and minimizes the possibility of reconciliation.

Similar criticisms can be posed to the principle of punishment. For instance, Seth Lazar (2012) challenges the plausibility of the deterrence-based justifications for punishment and stresses the inevitability of victor's justice (when the victorious party is allowed to run the trials). More fundamentally, he raises the issue of the relative importance of retribution and punishment compared to peace-building. Should such a backward-looking doctrine focussing on rectification and retribution be constructive for establishing a prospective and lasting peace?

I have argued against some of the principles of justice after war in this section and I have tried to single out and resolve the applicable and normative shortcomings of *jus post bellum* in this chapter so far. The continual dissatisfaction leads me to essentially challenge the grounds for a theory of justice after war that is embedded in just war theory. Why should *jus post bellum* –not the applicability of its principles but itself– be justified for theorizing peace?

Just war theory exists to provide applicable moral guidance to certain practices of war. Each particular sub-set of principles morally governs a particular practice. *Jus ad bellum*, *jus in bello*, and *jus ex bello*, specifically indicate moral principles that govern the resort to war, the conduct in war and the termination of war, respectively. The morally governing principles of justly waging war differ from the morally governing principles

of just conduct in war because of the nature of the practice they are indexed. *Jus post bellum* theorists stressed the significance of *jus post bellum* to have a complete just war theory. Yet, which practice of war do the principles of *jus post bellum* morally govern? One might argue that *jus post bellum* consists of the principles which morally govern the transition from war to peace. However, taking into consideration the backward-looking nature of the principles, it is more plausible to conclude that *jus post bellum* provides principles to govern the practice of warfighting *ex post*:

[I]t holds fighters to account for their performance against *ad bellum*, *in bello*, and *ex bello* standards. *Jus post bellum* then governs the *post mortem* examination of the war, and is parasitic on those other just war principles. Given this understanding these theorists unsurprisingly take *ad bellum*, *in bello*, and *ex bello* standards to determine both the grounds and the content of our *post bellum* duties. Our responsibilities after war are grounded in our having met or breached those *ad bellum*, *in bello*, and *ex bello* standards. Their content is specified by those standards too: Our *post bellum* duties are to rectify the wrong and harms done during the war and punish the perpetrators. This explains why *post bellum* theorists are so relentlessly backward-looking with such a narrow focus on the specific belligerents involved in the war (Lazar, 2012, pp. 217-218).

One can conclude, with no further explanation, that just war theory is complete without *jus post bellum* since the practice it morally governs is warfighting. Within this framework, the initiation and the termination of war and the conduct in war are all guided with the moral principles of *jus ad bellum*, *just ex bello*, and *jus in bello*. The practice of warfighting *in toto* is conceptually governed by moral rules. There is no need to refer to *jus post bellum* to have a complete and comprehensive just war theory.²⁹

²⁹ It is also possible to contest my view by starting from the ground I reject *just post bellum*. It might be defended that *jus post bellum* does examine how much the agents complied with *ad bellum*, *in bello*, and *ex bello* standards *post mortem* in order to punish violations of principles and unjust initiation, conduct and termination. Only then, the theory is complete because the incomppliance with moral rules has been taken care of. Nonetheless, this view is not in accordance with the main goal of just war theory, that is achieving peace, and it reinforces the so-called peace vs. justice conflict (Eisikovits, 2017; May, 2013).

Moreover, transitioning from war to peace should not be theorized only with a backward-looking perspective on how to deal with the violation of just war principles. Conceptualizing a forward-looking doctrine of ethics of peace-building requires benefiting from a palette of moral reasoning that is substantially wider than what just war theory offers (Lazar, 2012). Even the traditionalists recognize this fact: recall that the moral regulations in the principle of political reconstruction of *jus post bellum* derive from democratic theory and social justice. If one believes that justice after war should go beyond restorative and retributive justice as the arguments I supported in this section illustrate, a more capacious theory to tackle issues such as transiting to peace must be taken into consideration (Teitel, 2013). The circumstances of the transitional societies create the problem of transitional justice which essentially necessitates both dealing with the past injustice retrospectively and foster peace and reconciliation prospectively.

2.6. *Jus ex Bello* for Terrorism

In the previous sections, I addressed practical and normative issues for *jus post bellum* to theorize justice after war and justice after terrorism. I reached the conclusion that just war theory is too limited and too specific to the extremities of war to conceptualize justice and peace after war. Nonetheless, I argued that the just war theory can only be complete by covering all the moral rules that govern each practice of warfighting. *Apropos*, I admit that *jus ex bello* is a part of a comprehensive just war theory since it is indexed to the practice of war termination. In this section, I would like to examine when and how we should determine the moral rules for the practice of warfighting termination against terrorism.

Before moving onto the principles of war termination, I shall clarify that I will focus only on the democratic state which fights against the terrorist and although *jus ex bello*³⁰ might be applicable to both parties.³¹ Indeed, the question “Are terrorist groups always morally obliged to end their unjust war?” is theoretically interesting. However, I will not dwell on this question here for the sake of convenience regarding my research question. This thesis is devoted to how democracies should fight terrorism, and correspondingly, I shall concentrate on morally governing rules for war termination regarding democracies’ military fight against terrorist groups.

2.6.1. ‘When’ Question

In section 2.3, I provided some cases in which it could be right to end an initially just war and to continue an initially unjust war to prove the need for revising *jus post bellum* with regard to its applicability to contemporary warfare. My simple cases sufficed to show that the justness of war should be considered rather dynamic and we need to continually apply *jus ad bellum* principles to see if the war is just at time t_x . This conclusion is apt to embrace the repetitive control for compliance with the *jus ad bellum* principles to decide *when* to terminate warfighting. This is the mirror image view on *jus ex bello* (Rodin, 2015).

1. *Just Cause*. The state fighting against terrorism has the just cause of self-defence.

In the absence of a change in the just cause, *ad bellum* and *ex bello* just cause

³⁰ These moral rules are called as *jus ad terminationem belli* by Rodin (2008) and coined as *jus ex bello* by Moellendorf (2008). For simplicity, I will use the term *jus ex bello* for the rest of the text.

³¹ Considering that changing nature of circumstances in war may render an unjust war just, one should not automatically rule out the possibility of morally rightness of the continuation of initially unjust terrorist attacks (Schwenkenbecher, 2009).

principles remains the same. In some cases, *ex bello* just cause might differ from *ad bellum* just cause. Taking into consideration the possibility of an initially unjust war (due to the lack of the just cause) acquiring a new just cause, *ex bello* just cause principle which allows the party to carry on with fighting must be a remedy either to an *ante bellum* injustice that continues or an injustice occurred after war began or an injustice which would occur if the warring party were not to start the war (Moellendorf, 2008). I should take note that the third way of acquiring a just cause relies on a possibility which creates space for empirical forecasts and counterfactual claims that are not a part of *ad bellum* just cause considerations. This is one of the required modifications.

2. *Proportionality* & 3. *Reasonable Prospect of Success*. If a new just cause is acquired, one cannot apply *ad bellum* constraints regarding proportionality and prospect of success. The calculations for *ex bello* principles of proportionality and reasonable prospect of success must be updated with regard to the new just cause. If the initial just cause is valid, *ad bellum* principles should be re-applied continuously.
4. *Last Resort (Disguised Necessity)*. *Ex bello* principle of last resort commands that if there are no morally less costly means to achieve just cause with a similar level of likelihood of success, then the belligerent is allowed to continue warfighting.³²

³² Here, the mirror image view I construct substantially differs from that of Moellendorf. His discussion of the principle of last resort or the principle of pursuit of diplomatic remedies takes the principle as the requirement of exhausting all the non-violent means before waging war (Moellendorf, 2008). I, rather, read it as a principle of necessity (or better disguised principle of necessity in *jus ad bellum*) which requires the absence of alternative means that are morally less costly to achieve the just cause (Lazar, 2017b). There can be some alternatives which are morally less costly but also radically less likely to achieve the just cause. In this case, the war would comply with my reading of the last resort principle.

David Rodin (2015) objects to the mirror image view of *jus ex bello* on the basis of the necessity to modify the moral standards when war is already in progress. As I have previously presented, when A's initially just war is rendered unjust due to the new information which demonstrates that the just end cannot be achieved without exceeding the level of harm which the *jus ad bellum* principle of macro proportionality allowed, Rodin believes that we should evaluate the war in progress with a more complex principle of proportionality, instead of claiming it unjust. First, he suggests *ex bello* proportionality should allow belligerents to continue war as long as its harm is proportionate to the sum total of unjust harms they face throughout the war. This means departing from *ad bellum* proportionality and including the harms which the just belligerent did not consider or were not subjected to before the commencement of the war. Second, and more specifically, in cases of sunk-cost dilemma which refers to the situations in which a forward-looking consideration –for instance, that of the principle of proportionality– renders continuing warfighting permissible although the war *in toto* is unjust because of a sufficiently wrong-making feature which lies in the past, the belligerent is allowed to carry on fighting.

I disagree with the forward-looking principle of proportionality for two reasons. First, it gives the just party a *carte blanche* for taking disproportionate actions since eventually, all can become proportionate on a forward-looking basis (Moellendorf, 2015; Rodin, 2015). This is inconsistent with the very principle of proportionality that is established to constrain the level of permissible harms. Second, many cases Rodin presents as examples of sunk-cost dilemma can be seen as the acquirement of new just cause and accordingly the principles of proportionality and prospect of success must be updated with regard to the new just cause. Then, in those cases, what we need is not a

forward-looking principle of proportionality but only a new calculation in relation to the new just cause.

I believe the mirror image view as I constructed is able to guide us on when a democracy should end its warfighting against terrorist groups. Considering that a democracy has the just cause of self-defence, it complies with *ex bello* just cause principle. *Ex bello* constraints of proportionality and necessity are to be evaluated in relation to the particular circumstances of each case. The problematic *ex bello* standard for the fight against terrorism is that of a reasonable prospect of success. As I have previously stressed, the clandestine cell system and the possibility of temporal inactivity of terrorist cells render any war against terrorism less likely to achieve decisive military victory. Indeed, many wars against terrorist groups have historically been terminated through negotiations, short of decisive military victory. Then, should we deem all wars against terrorism unjust?³³ Or can a state achieve its just cause against a terrorist group with a reasonable prospect of success?

Perhaps, a possible way of overcoming this problem lies in the definition of terrorism. As discussed in the first chapter, terrorism is the repetitive use of violence and/or credible threat of its use against disengaged civilians in order to spread fear among society in pursuit of a further political objective by coercing the political authority. Terrorism poses a lethal threat by initially inflicting serious harm and coerces the political authority by threatening to keep inflicting lethal harm to the disengaged civilians as long as their political objective is not met. Terrorism is characterized by consecutive acts of terrorism over an extended period of time. Therefore, fighting against terrorism is

³³ Walzer (2015) has deemed the war on ISIS/Daesh unjust on the grounds of incompatibility with the principle of reasonable prospect of success.

qualified self-defence. It is not a state's self-defence based on sovereignty. But it is aggregated national self-defence in the sense that it is the self-defence of each disengaged civilians. The victims have already received lethal attack and they are threatened with receiving more. The prospect of success for the war against terrorist groups should be calculated concerning this specific conceptualization of self-defence and the ongoing threat.

2.6.2. 'How' Question

In the previous section, I discussed when the war against terrorist groups must be terminated with regard to the justness of war. We have moral reasons to end the war against terrorist groups when our war does not comply with *ex bello* requirements. After deciding when to terminate warfighting, the how question arises. The practice of war termination against terrorist groups should be morally governed by the following principles:

1. *Authority*. The parties must sufficiently attain *de facto* (legitimate or illegitimate) authority so they can stop their belligerents and end the war (Lazar, 2010).
2. *Negotiations*. Warfighting against terrorist groups should be terminated by means of negotiations. I believe the discussion I pursued so far renders negotiated settlements, not a preference but a necessity. Either we should end warfighting against terrorist groups because we cannot comply with *ex bello* standards anymore –hence, our war is not just anymore–; or we should continue fighting against terrorist groups with the reservation that there will still be the possibility of dormant cells when the war is over. In both cases, we lack a decisive military victory. To achieve durable peace, we need negotiations.

Yet, negotiated settlements are not morally costless. Negotiations involve the exchange of military advantage for political advantage. Considering the evilness of the ways through which the unjust party acquired military advantage, negotiations reward the unjust attacks of the terrorist. (Rodin, 2015).³⁴ This problem of moral hazard is particularly salient for terrorist groups. Since it is highly unlikely that a terrorist group could obtain a decisive military victory over the state, negotiations might be their primary objective. Should we allow them to benefit from their unjust gains or wrongdoings? Are they entitled to those gains? Most certainly, not. Then, how can we solve the issue of moral hazard while negotiating with terrorists? I think the answer to this question lies in the *ex bello* principle of no new entitlements.

3. *No New Entitlement.* Belligerents should seek the entitlements which warfare disrupted. This *ex bello* principle forbids parties to ground new entitlement claims in war since war is just only when defending and vindicating violated rights. What has been captured must be renounced at the end of the war (Lazar, 2010). I believe this principle should be expanded to forbid benefitting from not only tangible new entitlements but also from military and/or political advantages that are gained by fighting.
4. *Good Faith.* Parties to the conflict and negotiations should act with good faith. If warfighting against terrorist groups should be ended through negotiations, the principle of good faith is a necessity since peace-building requires mutual trust and good faith is the building block of trust. Implications of the principle of good

³⁴ This is essentially in conflict with one of the normative *desiderata* I pointed earlier, namely rendering terrorism *less attractive* for future instances by reducing the appeal of a practically dysfunctional and morally impermissible form of political violence as a means for the pursuit of political objectives.

faith in negotiation can be seen as keeping your word even when disregarding the agreed terms would be of advantage and offering fair and reasonable terms to your counterpart in negotiation (Lazar, 2010).

5. *Moral Cost Minimization.* Moral cost to civilians, the institutions of a just and peaceful social life and, infrastructure and natural resources should be minimalized. Contrary to *in bello* restrictions, this principle does not regard the just conduct of single persons. It concerns the tactics regarding ending warfighting and military withdrawal. The “tactics that minimize exposing civilians to harm from the other parties should be employed, and proper concern for vulnerable civilian populations should govern the process” (Moellendorf, 2015, p. 670). The state should minimize the risks of the harmful acts against disengaged civilians by terrorist groups while terminating the war against them.
6. *Injustice Mitigation.* I have argued that war against terrorist groups ends short of absolute military victory. Historically, it does not end in surrender, either. In the cases between the absolute ends of victory and surrender, negotiated peace almost always fail to bring along the (*ad bellum* or *ex bello*) just cause. In such cases, “in winding down the war, the just cause should be realized as much as is possible within the moral constraints” (Moellendorf, 2015, p. 670).

Lazar (2010) also argues in favour of *ex bello* principles of necessity and proportionality. He claims, securing the rights, violation of which grounds the just cause, may require measures that are harmful to the counterpart and these measures should be subjected to necessity and proportionality constraints as all harmful practices. On the other hand, Moellendorf (2015) suggests the *ex bello* principle of all due haste which envisages that war termination should not unnecessarily be delayed. I prefer not to qualify

these two principles as *ex bello* principles on the ‘how’ question because they are implicit in *ex bello* standards regarding the ‘when’ question.

2.7. Conclusion

In this chapter, I initially inquired about whether just war theory’s *jus post bellum* can be a theoretical basis for a better-tailored post-terrorism justice conceptualization. I concluded that *jus post bellum* suffer from the problems of applicability and normativity due to its presumptions, its principles and its limited palette of moral reasoning. If we are to search for a foundation for justice after war, I do not think that the answer lies in examining the compliance with *ad bellum*, *in bello*, and *ex bello* standards *post mortem*. We shall rather refer to “a manifestation of a duty, derived from original taking-up of arms [which is morally bad and regrettable although might be justified], to do what one can to build a new, durably peaceful, and just world” (Evans, 2009, p. 154). Therefore, I conclude that the moral rules deriving from just war theory should be restricted to governing the practice of war termination and determine *jus ex bello* for terrorism. I leave the substantial discussion on the moral principles and values of justice after terrorism to the following chapters.

3. (In)Justice as (Mis)Recognition: Backward-Looking Aspect of Justice after Terrorism

The argument I constructed in the previous chapter demonstrated that the moral reasoning palette provided by the just war theory is short of providing satisfactory answers to the questions rising after terrorism both in terms of applicability and normativity. In fact, I have also concluded that this problem emerges not only because of the incompatibilities between the conceptions of justice after war and asymmetric warfare or terrorism but also due to the incapacity of just war theory to theorize post-conflict justice and peace. In this chapter, I initiate the investigation on what conceptual framework should lie at the heart of providing justice after terrorism taking into consideration the harm terrorism inflicts.

3.1. A Moral Picture of Terrorism's Wronging

What is the problem of justice after terrorism? Which wrongdoing should justice after terrorism be responsive to? As explained in the first chapter, an act of terrorism victimizes at least three groups. Since terrorism employs violence on some people to scare a wider group in order to coerce political authorities, terrorists have the direct targets to inflict harm, the indirect targets to spread fear among, and the targeted political authority to coerce in pursuit of the political objective. All these targets are wronged. However, the nature of the wrongdoing and the relation the victims are being put with the terrorist are various due to the features of the particular wrongdoing. Political authority is coerced. The indirect targets are used as a means to the end of coercing political authority. The

direct targets are used as means to the end of terrorizing indirect targets which are used as means to the end of coercing the political authority.

The direct targets are harmed by being used *as a means to a means to an end*.³⁵ By inflicting lethal harm on the direct targets in order to spread fear among the indirect targets, terrorist degrades them into means. “They [direct victims] are treated as a means to an end of treating the secondary [indirect] victims as a means to an end” (Scheffler, 2006, p. 9). They are degraded to subhuman status. *Their human status is misrecognized*.

The indirect targets are terrorized. By being terrorized, on the one hand, the indirect victims are used as means to the end of coercing the political authority; on the other hand, they are left bereft of practising the capacity of exercising their political agency. The latter is the political wrongness of terrorism; the intention of spreading fear and using its overwhelming effect for the achievement of a political objective. Fear creates an environment which is so destabilizing that it renders political life infertile. Samuel Scheffler (2006) takes continual fear as a factor which deprives human beings of functioning politically and socially since their rational decision process is sabotaged. Likewise, Robert Goodin (2006) thinks that fear creates an unpleasant mental state which prevents people from deliberating properly. Considering that spreading fear among society is an intended means of terrorism, a consequential and political wrongness, following the deontological wrongness of the aim of spreading fear, appears to be manipulating people by depriving them of exercising their political capacity of

³⁵ Although the terminology I use here refers to Kantian ethics, I am not willing to positively justify human dignity or respect for persons. I believe a negative justification, that is a justification for non-humiliation is more suitable for my purposes as the rest of the text demonstrates (Margalit, 1996, pp. 84-89).

deliberation and taking advantage of the situation. Therefore, *the political agency of indirect victims is misrecognized.*

Political authority is coerced. Coercion is usually considered as a motivational conditional threat for an agent to take an action or omit from undertaking it (Nozick, 1969). In the case of terrorism, a terrorist inflicts certain harm and threatens the political authority with inflicting further harms unless his demands are met. Terroristic coercion is characterized by prior use of violence and the threat of further use of violence against disengaged civilians. The infliction of the harm in advance illustrates the terrorist's ability to have inflicted the kind of harm of which he threatens to inflict if the coerced does not comply with the demands (Waldron, 2004).

The credibility of the terrorist's threat is high because the terrorist primarily imposes certain harm. The more credible the threat is, the more the freedom of the political authority is obstructed, and consequently, the more wronged she is. Yet, I believe the quintessential problem in coercing the political authority is not a wrongdoing against the political authority *qua* political authority. Terrorism, by means of coercion, diminishes the freedom of the political authority to take decisions and actions which would have been taken in the absence of the terroristic threat. In other words, the freedom of the political authority –regardless of how wide it was in the pre-terrorism period– is circumscribed. The coercion of the democratic political authority results in the preclusion of the functioning of the political life as it is supposed to function without terrorism. In the presence of terrorism, the political authority is not able –or at least not as much as before– to perform the acts for which it was delegated by the electorate. In this sense, terrorism targets the right to self-determination of the entire people. As in the terrorization of the indirect targets, *the political agency of the people is misrecognized.*

Justice after terrorism should be conceptualized in a way to be responsive to these wrongdoings. This is why I reject to theorize justice after terrorism as the combination of stable peace and any conception of justice on which the conflicting parties agree (Allan & Keller, 2006). Instead, justice after terrorism ought to combine a certain conception of justice and peace. What is needed is the combination of stable peace, that is the situation in which people do not include the possibility of war in their calculations because it is a negligible possibility and a particular conception of justice which relies upon remedying wrongdoings of terrorism. I believe, as I will argue in the rest of this chapter, the right way of correcting the wrong of terrorism for the direct and indirect targets goes through re-recognizing their human status and re-establishing respect for their political agency. Therefore, justice after terrorism should be –at least initially– an account relying on remedying misrecognition.

3.2. Misrecognition or Misrecognitions?

I have concluded in the previous section that terrorist misrecognizes the direct targets and the indirect targets' political agency. By using both targets as means to some ends, terrorist objectifies/instrumentalizes them as if they are tools for his purposes (Nussbaum, 1999). Yet, these cases of misrecognition or objectification do not appear identical. In this section, I shall explain what the concept of misrecognition signifies and whether there is a difference between misrecognizing human status and political agency.

The primary wronging of terrorism is misrecognizing the human status of the direct targets by degrading them into a subhuman status. This degradation manifests itself in rights violations. In the terroristic case, for instance, terrorist violates the direct target's right to life or right to bodily integrity. However, the wrong of misrecognition is not equal

to the wrong in the violation of these rights. Human rights violations paradigmatically occur in cases of misrecognition. Yet, misrecognition is, at least partially, the result of the message it conveys about the status of the person, regardless of her violated rights (Margalit, 1996). By denying the most fundamental human rights of the direct target for the sake of a political objective, the terrorist expresses that he puts the direct target in a subhuman status. Therefore, the problem in misrecognition is not solely the violation of rights, it is rather a conscious denial of acknowledging the direct target's human status which leaves the target in a position in which she is not able to demand rights. She is rejected from the human commonwealth. She is instrumentalized and dehumanized (Sangiovanni, 2017).

Likewise, misrecognition of the political agency is not a matter of rights violations. Instead, it is also a case of a conscious denial of acknowledging the indirect target's political agency. It is essentially about taking them as if they are less than a political agent or depriving them of the powers to which they are entitled because of their agency. Nonetheless, I do not think that the indirect targets are dehumanized. On the contrary, the attempt to deprive them of exercising their agential powers presumes their humanness and agency. This is not a case of dehumanization.

In relation to the difference between aforementioned two cases, one might argue that the difference between misrecognizing the human status and misrecognizing the political and moral agency lies in the distinction between treating the direct victim *as* subhuman and treating the indirect victim *as if* subhuman. Treating someone *as if* they are subhuman presupposes their humanness as Hegel's famous master-slave dialectic demonstrates (Hegel, 1967, pp. 229-240). The master is in search of the acknowledgement of her absolute power over the slave. However, such a search for

acknowledgement is in conflict with the claim of absolute power since it looks for the acknowledgement coming from the slave, i.e. the object of the absolute power. Similar to the master-slave dialectic, the misrecognizing act which aims at identifying the victim *as* subhuman presumes her human status. The act for the rejection of human status presupposes that who is denied is a person. Taking this presumption into consideration, one can conclude that the wrongdoer can only treat his victim *as if* they are subhuman (Margalit, 1996). One might further argue that, contrary to the previous case, when the terrorist uses violence on the direct target, she is not in search of any response or reaction from the direct target as the master asks for the acknowledgement of her absolute power over the slave. Instead, the terrorist harms the direct target in order to terrorize the indirect targets. Hence, if the terrorist makes any claims at all, he wants this claim to be responded to by other people and not by his direct target.

I believe this would be a wrong reading of the case. Focussing on the master-slave dialectic and overlooking the differences between this case and the case of terrorism leads to certain confusions. The argument in the previous paragraph assumes that the terrorist searches for the acknowledgement of his superiority claim by the indirect target although it harms the direct target. This assumption imports the rather complex targeting-structure of terrorism to the search for the acknowledgement claim. That is why it fails to differentiate the master-slave dialectic from the case of terrorism. As I have argued earlier, the presumption of the humanness of the victim is inherent to the act of misrecognition. Therefore, I agree with the argument in the previous paragraph to the extent that the wrongdoer can only treat his victim *as if* they are subhuman. Nonetheless, this does not mean that it is necessarily related to a claim of acknowledgement of superiority. Genocide constitutes a similar example. The wrongdoer is not in search of

acknowledgement which will be granted by the victim or others. The relationship between the wrongdoer and the victim does not allow certain types of interaction in terrorism and genocide because of the nature of these acts. Therefore, we cannot argue on the occurrence of such a search for the acknowledgement of superiority. It simply does not occur. This does not mean that misrecognizing act does not presume the humanness of the victim.

Avishai Margalit claims that humans essentially see each other as humans and therefore an act of misrecognition can only treat humans *as if* they are non-humans:

Seeing a human being as human means seeing the body as expressing the soul as Wittgenstein put it. In other words, it means seeing the human body and its parts in the mental terms they nonliterally exemplify (in either secondary or metaphorical sense). We see persons as human when we see their expressions in human terms: this person has a friendly or a thoughtful face, a worried or a happy expression. When we see a human face we do not first notice that the lips are curved downwards, that the eyebrows are lowered, that the head is sunk down on the chest, and that the cheeks have a grey texture -and then ask ourselves how to interpret this face. We see the face as sad just as we see the lips curved downward: not as a result of hypothesis testing and deduction from evidence, but directly. [...] I see your eyes as mocking and your hands as nervous just as I see your eyes as brown and your hands as sinuous. I simply see them. But just as I see your eyes mocking and your hands as nervous, I see you as human, and I cannot see otherwise (Margalit, 1996, pp. 94-95).

If both forms of misrecognition mean treating the victim *as if* subhuman, then what is the difference between misrecognizing the direct victims' human status and the indirect victims' political agency? They are both cases of what Margalit coins as humiliation, i.e. an injury to self-respect. They are not different in kind but only in degree. They occur in different degrees of comprehensiveness. The direct victim is humiliated in relation to all aspects by being rejected from the human commonwealth. She is left bereft of demanding any rights whereas the indirect target is humiliated with respect to being an autonomous and responsible agent, she is temporarily denied the capacity to use agential

powers. Moreover, it is worth noting that misrecognition in relation to human status robs one also with regard to political agency. Appearing as a moral and political agent prerequisites human status. That is why the acts of misrecognition involved in terrorism have different degrees of comprehensiveness. They are both misrecognition, however, they objectify different *relata*.

Axel Honneth (1995) constructs a theory of recognition that distinguishes three forms of recognition under the aegis of love, legal rights, and solidarity by relying on Hegel's early Jena writings on intersubjective recognition and pairing it with George Herbert Mead's psychological insights on the identification of the self. The tripartite structure is relevant to relations-to-self and recognition in various ways. Firstly, *self-confidence* which can be described as one's having a good opinion of oneself, is facilitated by the feeling that one's needs and desires are of unique value to another person. Hence, self-confidence is recognized by the unconditional concern and the emotional support of the others with whom one has affectionate relations. Secondly, *self-respect* stands for one's sense of having the capacity of being morally autonomous and responsible. One is recognized in this sense when she is ascribed to the same moral accountability with others. Therefore, it essentially is related to the Kantian idea of taking people as ends in themselves and seeing them morally responsible and equal rational agents. Self-respect should be enabled by a just legal system which protects agents' status of the bearers of rights. Finally, *self-esteem* considers one's sense of being capable of contributing to the common good of society. Recognizing one in the sense of being socially worthwhile is generated by solidarity (Honneth, 1995, pp. 95-130).

Contemplating on the positively theorized recognition account of Honneth, we can assume that the wronging of terrorism relates to the second form of recognition that

is self-respect. Because it is the form of relation-to-self which concerns legal rights and political relations among equals. Nonetheless, this would be a wrong conclusion. We should note that the positive theory of recognition investigates how one can gain recognition whereas the negative theory mulls over misrecognition by focussing on moral injuries or the denial of recognition. It is correct that each of these three forms of recognition can be built through interacting with the agents who are corresponding to that particular form of recognition. For instance, self-confidence can be established by the loving and caring attitude of affectionate people. It necessarily comes from, say, family members. However, this does not mean that a moral injury to self-confidence must come from a relative. It is built by the love that one receives from, say, their parents but it can be harmed by the wrongful action of anyone. Typically, the moral injuries that damage one's enjoyment regarding the certainty of their physical well-being annihilate one's sense that one's needs and desires are of value to others. Thus, physical injuries such as murder, torture and rape are paradigmatic examples that harm self-confidence by conveying the message of disregard for the victim's physical well-being. Likewise, any acts that manifest the disregard for the moral accountability of others misrecognize their moral and political agency. Such morally injurious harm is paradigmatically exemplified by the discrimination of a social group in a legal system. Finally, the moral injuries which represent a disregard for the capability of individuals to contribute to social goods misrecognize them in terms of self-esteem. Such moral injurious disrespect can take subtle forms such as not greeting someone or grave forms such as social stigmatization (Honneth, 1997).

Under this rubric of morally injurious disrespect and corresponding harms, terrorism's direct targets are misrecognized in terms of self-confidence by being denied

physical well-being or physical integrity. Misrecognizing in terms of self-confidence is more destructive than the other forms of misrecognition. It involves physical abuse and loss of control over one's body. It leaves the person with lasting damage both physically and psychologically (Honneth, 1995; Honneth, 1997).

On the other hand, the indirect victims are targeted in terms of self-respect, i.e. the acknowledgement of the value of their judgements is disrespected. From the Honnethesque framework, it is not easy to say that the indirect victims of terrorism are misrecognized in the strictest sense. Because misrecognition regarding self-respect, within the Honnethesque framework, involves structural and systematic exclusion from certain rights whilst the indirect targets of terrorism only temporarily lose the capacity to exercise the certain right to which they are entitled by virtue of their political personhood (Honneth, 1995; Honneth, 1997). Misrecognition of the indirect victims is not systematic and continuous, instead, it occurs intermittently corresponding to the acts of terrorism.

This fine-grained perspective allows us to see the difference between the misrecognition of the direct targets' self-confidence and that of the indirect targets' capacity to exercise their political agency. Then, should I amend my prior conclusion that these wrongs are not different in kind? I believe not. Despite these harms might be directed to different forms of relation-to-self, they are still acts of misrecognition and the relevant remedy should rely on grounding the backward-looking aspect of justice after terrorism in re-recognition of the victims.

3.3. Remediating Misrecognition

As concluded previously, terrorism results in the misrecognition of the victims. It does not only inflict physical harms but also conveys a message of insignificance and humiliation. It treats the direct targets as if inferior to human being and it attacks the indirect targets' equal status by leaving them bereft of the capacity for exercising their political agency. The victims have sound physical, psychological and moral reasons to feel humiliated. Re-recognition is something we owe to these victims because of moral reason. I believe the easiest way to ground this moral claim is by inserting Margalit's negative justification for non-humiliation. The negative justification lies in the fact that "human beings are creatures capable of feeling pain and suffering not only as a result of physically painful acts but also as a result of acts with symbolic meanings" (Margalit, 1996, p. 85). Misrecognition, an injury to the relation-to-self, is human suffering in the psychological realm. No one should be exposed to mental cruelty and the negative justification on non-humiliation suffices to justify this claim. Apart from the normative reason for the provision of due recognition to the misrecognized victims that is grounded in the justification of non-humiliation, I believe we also have a practical reason. Although the ramifications of terrorism in terms of physical harm cannot be undone most of the times, we might become able to reverse humiliation.

Frank Haldemann (2008) suggests a responsive, direct, and interpersonal model for re-recognizing the victims of misrecognition. Re-recognition, in this model, relies on a mode of communication that is expressive of approval and affirmative attitude towards the victims. The criterion of responsiveness lies in the affirmative communicative process of truth-telling. First, it values the narrative of the victim and hearkens to her sufferings. Second, the wrongdoer acknowledges the moral injury he caused and grants

acknowledgement to the victim's reality. On the other hand, the criteria of directness and personal interaction focus on the direct and special relations in which the wrongdoing puts the victim and the wrongdoer. The former refers to the wrongdoer's acceptance of responsibility and lack of justification for the act of misrecognition and his direct offer of recognition to the victim. The latter indicates that the wrongdoer should address the victim in an interpersonal and reactional vein since the act of misrecognition is a relational wrongdoing (Miller, 2009).

[Re-]recognition is best described as a verbal act in which the speaker expresses that he morally regrets doing what he did. In recognizing his wrongdoing, the offender takes the victim's side, accepts responsibility, and admits the absence of good reasons for his harmful acts. [...] The model of [re-]recognition proposed here involves the performance of a behavior that can be reasonably interpreted as expressing moral regret, regardless of whether the actor is really motivated by sentiments of guilt, remorse, or shame. Therefore, it is not necessary for the offender to be emotionally engaged to complete the process. Although it might be better (for the victims and for the goal of reconciliation) if the offender is sincerely repentant, the mere doing of certain "performative" acts or rituals brings about recognition (Haldemann, 2008, p. 700).

Yet, this simplistic and dyadic model which envisages re-recognition of the victim in a relational setting between the victim and the wrongdoer is suitable to the cases that appear in isolation such as a criminal offence in a small community. Political wrongdoings are characterized by many complexities. Haldemann believes that these complexities do not change the essence of re-recognition. He reiterates the interpersonal nature of crime and stresses individual agency. He also maintains the relational dimension of his simplistic model while theorizing a recognition model for the resolution of pervasive political wrongdoings. This dyadic relation between the wrongdoer and the victim transforms into a triadic one with the addition of the state as the representative of the society. Through the intervention of the state, re-recognizing model emerges as an event in the public domain. The authoritative and empowering role of the state signifies

the importance that is granted to the victim in order to testify on the injustice she experienced and confront the wrongdoer. The wrongdoer initially acknowledges the wrongdoing he perpetrated on the victim and consecutively performs public statements of regret and responsibility. Once again, the act in the public event is a formalized performative ritual, i.e. the emotional sincerity of the wrongdoer is not required. The intervention by the state which appears as the legal embodiment of the society brings along “a communal, authoritative condemnation of the offender’s crime that serves to recall and reaffirm the victim’s moral and civic worth” (Haldemann, 2008, p. 704).

In light of Haldemann’s discussion, I believe that the re-recognition model for the victims of terrorism should be grounded in the following principles: (i) vindication, (ii) victim-centredness (iii) truth-revealing, (iv) confrontation, (v) moral censure and (vi) act-based procedure. These principles single out a model which is capable of dealing with the misrecognition as the injustice faced by the victim of terrorism retrospectively without making the point of how to deal with the wrongdoer central.

First, the re-recognition model, as its name suggests, aims at re-recognizing the victim. Therefore, we are seeking a vindicatory solution instead of a vindictive one. We choose a way of remedying the injustice by turning wrong into right instead of seeking revenge for the wrong. The vindicatory function occurs through conveying the message of reaffirmation of the victim’s moral worth. Therefore, the justification for the punishment –in case it will be operative– does not derive directly from the past wrongdoing. In this sense, it does not endorse a retributivist perspective regarding the punishment. Rather, it focuses on the consequence which the punishment brings along, that is the expression of the moral worthiness of the victim.

Second, as mentioned previously, re-recognition is granted to the victim in a victim-centredness way. With regard to the aim of vindication, the re-recognition model gives the fundamental position to the misrecognized victim and makes her role central in the solution. The victim's active participation essentially serves the purpose of validation.

Third, the re-recognition model aims at revealing the entire truth about the act of misrecognition through the testimonies of both sides. On the one hand, it provides a safe platform for the misrecognized and disempowered victim, to tell the truth about the injustice she has been subjected to; on the other hand, it enforces the wrongdoer to reveal details about the wrongdoing he committed. This dual perspective serves the general purpose of unearthing the truth about the evil, but, it is particularly important for truth-revealing in cases in which the victims are deceased.

Fourth, the re-recognition model also holds the wrongdoer accountable by demanding him to claim responsibility for his wronging and the lack of moral justification for the act of misrecognition. By doing so, the wrongdoer, in return, directly offers validation to the victim. Although he cannot undo the physical harm he acknowledges the victim's moral worth.

Fifth, the state officially acknowledges the misrecognition and displaces a contemptuous judgment, a censure regarding the wrongdoer by being an intervenor in the re-recognition model. The wrongdoer is exposed to a scornful social conviction (although revenge is not sought) and the victim's misrecognition is officially disdained.

Sixth, the re-recognition model embraces the principle of act-basedness that is requiring formal regret on the side of the wrongdoer but not necessarily emotional sincerity or contrition. Contrary to the personal reconciliation cases which, I believe,

essentially require personal contrition and forgiveness in return, the re-recognition model should be limited with the demand of political regret in the form of ritualistic attitude for condemning past injustices.

I think the most disputable principle in my construction of Haldeman's argument is the principle of act-basedness. It is interesting because not requiring emotional sincerity of the wrongdoer's apology seems counterintuitive to the aims of vindication, restoration, and reconciliation. Indeed, restorative justice arguments generally rely on moral repentance and forgiveness in return (Braithwaite, 1989; Duff, 2001).

It is right that the aim of reconciliation could be achieved through a sincere apology. Yet, we should also take into account the case of the defiant wrongdoer. Punishment or penal sanctions, in general, should not humiliate the wrongdoer—otherwise, another act of misrecognition occurs. Punishment or the procedure of re-recognition should be conceived as a moral censure against the wrongdoing, however, demanding the defiant wrongdoer to express a sincerely apologetic attitude as a response to the moral censure means forcing him to express a view that is not his. Andrew von Hirsch argues that “any contrition or self-criticism expressed by the actor must—if his moral agency is to be respected—reflect his own views. If those views are inconsistent with the attitudes he is required to express, then his agency is not respected” (von Hirsch, 1996, pp. 83-84). This implies that the apology ought to be specified in such a way that even a defiant wrongdoer can reasonably be expected to comply with the requirements without the lack of due respect to his autonomy.

The principle of act-basedness is responsive to the problem which Von Hirsch's criticism points. It does so by divorcing the formal ritualistic act of apology from the

sincere expression of repentance. The formal apology demonstrates how the wrongdoer ought to behave. The wrongdoer is required to perform an apology which would have been done spontaneously when moved by the demands of his wrongdoing and could be penalized if he refuses to do so. By performing such an apology he discharges his obligation without necessarily sincerely embracing it (Bennett, 2006).

In this way, the moral censure by the state is essentialized with the expression of apology, instead of a genuine reconciliation among the victim and the wrongdoer. The ritualistic apology is not the right key to provide moral reconciliation due to the lack of sincerity. However, it might still play a key role in formal reconciliation (Bennett, 2006). Taking into consideration that the quintessential point of the re-recognition model is the acknowledgement of the victim's moral worth, I believe even a formal reconciliation or an insincere apology suffices to satisfy the requirements of the purpose –although it is insufficient for the entire aim of justice after terrorism. The principle of act-basedness provides a safe path for us to achieve the goal of validation of the victim's worth, albeit reconciliation matters deeply for justice after terrorism when it is taken *in toto*.

It, undoubtedly, is important to refrain from humiliating acts in a recognition-theoretical construction of justice. But one of the reasons I addressed the defiant wrongdoer case is the practical relevance of it in dealing with terrorism. As the previously introduced typology of terrorism demonstrates, religious terrorism and revolutionary/radical ideological terrorism share an absolute commitment to their political objective and de-pluralization of their value worlds. Expecting emotional sincerity of the apology on the side of the terrorist would block the re-recognition of the victims which is the backbone of the backward-looking aspect of justice after terrorism.

3.4. Re-recognition and Transitional Justice Institutions

The re-recognition model stresses how we should vindicate terrorism's wrongdoing against the victims. I offer the model as the backward-looking aspect of justice after terrorism to reverse the misrecognition committed by the act of terrorism. The re-recognition model is not a relevant apparatus for the following steps of justice after terrorism such as reconciliation. It is also not an alternative institutional suggestion. Instead, it should be operationalized in an institutional structure –most appropriately in transitional justice institutions. In this section, I tend to examine whether transitional justice institutions are able to grant recognition and how we should decide in favour of a specific institution.

Many philosophers demonstrated their interest in truth commissions and war trials by widening the philosophical literature on this issue. However, my approach differs from the aforementioned ones because I do not ground my justice conception in either of these institutions or in the moral values they seek to promote in the first place. I have already discussed how the provision of justice after terrorism should be based on affirming the moral worth of the victims in order to re-recognize them. Therefore, my comparison between these two institutions will primarily reveal whether they are able to grant recognition to the victims. Let us, now, compare them in relation to their capacity for meeting the principles I have set above and assess the criteria on which one we should choose.

Truth commissions, which can be defined as non-judicial official institutions to investigate human rights violations and war crimes, appear stronger regarding the principle of vindication since their aim is unearthing the truth about the injustice and

initially dealing with the victim's injury. Therefore, they are victim-centred and more capacious for giving a stance to the victim and for publicly acknowledging her reality in its entirety which, in return, contributes to the re-recognition. Truth commissions are also well-endowed to meet the general principles of directness and personal interaction. That is why they fare well with regard to the active participation of the victim which is essential in the re-recognition model. As to the confrontation, truth commissions might be weaker compared to trials, however, the directness of the confrontation is stressed more strongly by the settings in truth commissions.

On the contrary, trials seek retribution. The problem they are supposed to be receptive to is how to justly respond to the perpetrator. Regardless of the justification for punishment, may it be deterrence or desert or anything else, the just response to the perpetrator's wrongdoing is, at best, partially vindicatory –even though it is not necessarily vindictive. Nonetheless, this is not a reason to rule out trials since there has been an ongoing and growing interest in victim-integration in retributive justice practices in the last decades (Haldemann, 2008). Trials are evaluated negatively in relation to victim-centredness. They are frequently accused of passivizing the victim and focussing on the wrongdoer. The role of the victim is so minimized that it transforms into an instrument to illustrate the facts about the wrongdoer's guilt. As to the principle of confrontation, trials are historically better suited in terms of providing a safe space for the humiliated and subjugated victim regardless of how powerless or disempowered she is.

The comparison between these two transitional justice institutions with regard to the principles of vindication, victim-centredness, truth-revealing, confrontation, and act-based procedure, allows me to conclude that the difference between trials and truth commissions seems to be in degree and not in kind (Haldemann, 2008). The victim-

centred trials and the truth commissions without blanket impunities are both able to grant re-recognition to the victim. They fare differently for each principle examined, nonetheless, I believe such differences do not create reasons to argue for their incapacity to serve the purpose of re-recognition. But I should note that there is a difference in degree concerning the principle of moral censure which should play a role in the decision to choose a specific institution over the other.

Although the re-recognition model does not necessitate retributive punishment, it seeks to hold the wrongdoer accountable and responsible. The punitive sanctions issued by trials are powerful statements and they stress the message of moral censure strongly. On the other hand, it has been argued that impunity granted by truth commissions not only shakes the strength of the message of validation and moral censure but also diminishes the accountability of the wrongdoer (Aldana, 2006). I do not object that punitive measures are powerful statements and they serve the purpose of re-recognition. Furthermore, I do not object that truth commissions with blanket impunities fail to hold the wrongdoer accountable. However, as explained above, truth commissions (with the exception of the ones with blanket impunity) are not disqualified to be an institution to grant recognition to the victims of terrorism and, hence, they should not be ruled out. On the contrary, they may play an even more crucial role in certain cases which require delicately measured steps to achieve peace. Recall that justice after terrorism aims at establishing a just peace that brings together justice as recognition and stable peace. Stable peace is characterized by the lack of the inclusion of the possibility of war in people's considerations since the possibility is negligible (Allan, 2006). When certain institutional structures, –especially, the ones with penal sanctions which might further divide the already existent cleavages between the supporters and the objectors of the

terrorist group— pose a threat against building stable peace, we are in need of a normative prioritization among these two fundamental moral and social goods.

In particular cases of the transition from conflict to peace in which different social and moral goods are pulling towards opposite directions, I believe we can rely on the principle of *meionexia* in order to decide. The principle of *meionexia* stands for the virtue of asking what is *less* than one's due for the provision of a valuable social good such as peace. This, because the justice of transiting from conflict to peace could be warranted by focussing on what is good for the society in the long run and not prioritizing persons' retributive due in the short-run (May, 2012a; May, 2012b; May, 2014).³⁶

Relying on such a normative account is indeed promising for theorizing justice after terrorism, especially when the goal of achieving stable peace is in conflict with the sanctions that trials verdict on. Yet, the question remains: Why should the victim demand less than their due? The unsophisticated intuition for the reconciliatory power of the principle of *meionexia* does not provide strong reasoning. The principle seems to function as a consequentialist constraint that is applicable under certain circumstances in the post-war period rather than taken as the ground for a distinct conception of justice. In Larry May's account of justice as *meionexia*, the victim is left with the requirement of asking less than her due because of the belief that her deficient demand for retributive justice

³⁶ May specifically stresses that the principle of *meionexia* should be counselled to the victors and against the vanquished. He further claims that there should be an asymmetry in the application of the principle of *meionexia* relying not on the justness of the parties or on victory but vulnerability. Those who were vulnerable to harm should not be asked to demand less than their due (May, 2012a, pp. 9-10). Nonetheless, May digresses from the justification of *meionexia* relying on asking victors to moderate their post-war claims by demanding less than their due for the sake of long-lasting peace. Instead, he groundlessly applies the principle of *meionexia* to the retributive claims of the victims (May, 2012a, p. 39). For instance, against the example of the Biko family who wanted to hold criminal trials to punish wrongdoers, May sways from justice as *meionexia* or transitional justice to utilitarianism by saying that Biko family and South African society would benefit more from long-lasting peace which is only possible in the absence of trials (May, 2012b, p. 334).

will result in peace in the long run. I believe a more robust reading of the principle of *meionexia* should be seen as a constraint under certain circumstances which characterize a situation as such that there are salient reasons to believe that stable peace could be achievable only through less dividing means. In doing so, we can decide when the constraint of *meionexia* will be applicable and when the victim could be asked to compromise. I believe the decision on which transitional justice institution should grant recognition to the victim of terrorism should be taken by considering if there are necessary conditions to operationalize the constraint of *meionexia*. This brings up the question, “When should we consider operationalizing the constraint of *meionexia*?” Which circumstances are characterizing a situation that leads us to consider the goal of achieving stable peace requires less dividing means so that we should demand from the victim of terrorism to ask less than her due in terms of both retributive justice and the related strength of the message of validation?

I do not think we should always be ready to ask the victim to compromise from her due when the goals of stable peace and penal sanctions are pulling towards the opposite sides. Because this could create an incentive on the side of the wrongdoer to abuse the proposed theory of justice after terrorism. If the theory always envisages impunity or fewer sanctions in order to secure peace, the terrorist might willingly trespass on the theory and have incentives to undertake the act of terrorism which will be less costly. This is why we should specifically determine and limit the cases in which there are salient reasons to apt for less sanctioning institutions to grant recognition to the victim.

I think the constraint of *meionexia* necessitates the presence of two criteria which refer to the nature of the political objective the terrorists pursue and the political experience they have had. For stable peace to be foreseeable, the political objectives must

be communicable and discussable in democracies. The lack of an absolute incompatibility between the political objectives of certain groups and the liberal democratic ideals brings along a stronger prospect of having stable peace. As the previously inserted typology illustrates, the radicalism of revolutionary/radical ideological terrorism and religious terrorism hinders the possibility of democratic deliberation. Therefore, the prospect of peace is not strong and the constraint of *meionexia* should not be operationalized. On the contrary, the political objectives of national liberation and separatist terrorism do not necessarily pose a fundamental threat to the democratic system. Leaving aside the historical and social contingencies and the terroristic past, these objectives can be uttered in a democracy. Nonetheless, I do not think that it is right to lackadaisically claim that the victims should extenuate their demands against all types of terrorism with political objectives that are not necessarily in contradiction with the basic principles of liberal democracy. This is where the second criterion, that is the political experiences of the terrorist group, comes into the scene. There may be terrorist groups which came to the point of employing indiscriminate violence on disengaged civilians as a political strategy because they have no viable alternative although their political objective is not unreasonable. A politically marginalized and excluded religious or ethnic minority can constitute an example. In this case, the group employing terrorism adopts the terroristic strategy as last resort because of being politically powerless. i.e. “those otherwise unable to have their serious and well-founded grievances remedied” (Young, 2004, p. 61). Let us call this type the terrorism of the marginalized.

From the recognition-theoretical perspective I have grounded the backward-looking aspect of justice after terrorism in this chapter, there is a prior misrecognition directed against such marginalized and socially excluded groups in relation to self-respect

and self-esteem. First, they are systematically denied certain rights and structurally excluded from being an equal possessor of political rights. They suffer from not taken as an equal moral and political agent. Second, they are ousted from being a meaningful contributor to the social goods. In such cases, we have enough reasons to think that the pre-terrorism society is also identified with humiliation and misrecognition which begs for remedy. I believe we should aim at a twofold re-recognition in such cases. In the absence of the vindication of the misrecognition the terrorists faced previously, it is impossible to remedy the consequential harms and robustly argue that justice after terrorism that is grounded in recognition.

3.5. Twofold Re-Recognition

I believe the discussion in this chapter so far provides important insights for the transitional justice debate and initiates an argument for justice after terrorism. Re-recognizing the victims is a significant part of justice after terrorism but not the whole at least for the societies which are characterized by the misrecognition of certain groups and by the reactive terrorism of the marginalized. The previously discussed re-recognition model is able to vindicate the misrecognition that the victims of terrorism suffer from. Yet, this constitutes only a partial answer to the problem of the terrorism of the marginalized.

I believe the circumstances from which Collen Murphy (2017) proposes that the problem of transitional justice emerge are relevant to single out the marginalized groups. Those circumstances are the following: (i) pervasive structural inequality; (ii) normalized collective and political wrongdoing; (iii) serious existential uncertainty; and (iv) fundamental uncertainty about authority. Although terrorism does not necessarily meet

with the circumstances which highlight the distinctiveness of the problem of transitional justice, the presence of some of the circumstances refers to certain additional properties of the terroristic case at hand. For instance, terrorism of the marginalized complies with pervasive structural inequality and normalized collective and political wrongdoing. That is why I believe Murphy's theory could make a considerable contribution to my discussion on justice after terrorism for the cases of terrorism of the marginalized.

Pervasive structural inequality regards the general interactions among citizens and between citizens and state officials. Institutional norms, or political rules in a simpler sense, shape the limits within which the political agents interact with each other. Assuming that these rules have been justly established, disregarding these norms violates the principle of equality. An example can be disregarding the legal norms on the political equality of all the members of the society and discriminating against the members of certain groups. Such inequality is structural when it is a fundamental part of the basic structure of society. Structural inequality is pervasive when institutions are defined by unequal terms and inequality proliferates among each institution (Murphy, 2017). The Apartheid, by subjecting different racial groups to different constraints, is the paradigmatic example of the institutions based on unequal terms. Considering that structural inequality can be codified not only in legal norms but also in social norms and practices, it is possible to conclude that every society is characterized by a certain level of structural inequality. The degree of the pervasiveness of structural inequality is what makes it a condition for transitional societies. When it reaches the threshold of being sufficiently pervasive it also renders the institutional order illegitimate. On the other hand, normalized collective and political wrongdoing is another common denominator to identify transitional societies. Transitional justice is primarily concerned with the

wrongdoing that bears political and civil rights violations caused by the acts and omissions which result in human rights violations. Although the previous government is almost always complicit in human right violations, the feature which renders the wrongdoing in transitional contexts political is not the commission or the complicity of the previous political authority. These wrongdoings are political in the sense that they are committed in pursuit of a political objective. They reflect a collective conviction on how political society should be shaped. They are collective in the sense that they are planned and perpetrated by some groups against other groups. That is why they cannot be seen as a simple aggregation of individual wrongdoings. These wrongdoings are normalized when they are descriptively seen as a banal fact of life (Murphy, 2017).³⁷

One example of such marginalization and the emergence of reactive terrorism is the PKK. The Kurdish population of Turkey has suffered from pervasive structural inequality by not having a minority status and the violation of many rights, including free public usage of their language. Behind this violation lays the fact that the Lausanne Peace Treaty, the founding treaty of the Turkish republic, applies the minority status only to religious minorities. Therefore, only Armenians, Greeks and Jews were the officially recognized minorities. Even today, the Kurdish language and education in the native language are important unresolved issues which occupy a fundamental place in political debates. Moreover, granting cultural or minority rights to ethnic minorities have been

³⁷ Murphy defends that justice for transitional societies lies in relational transformation among fellow citizens and political officials. This transformation which relies on rule of law, relational capabilities, and political trust are expected to bring along a society that is characterized by respect for agency and reciprocity. I consider transitional justice as necessarily Janus-faced and I support separate practices and the conceptual frameworks for the specific problems of both faces. I believe the relational transformation is a prospective issue in justice after terrorism and I will tackle this issue in the following chapter. For now, I will confine myself to vindicating the wrongdoings through the re-recognition model.

thought as the beginning of a potential deluge in relation to the fear of inevitable further demands of other minorities by the Turkish state (Kirişçi & Winrow, 1997).

The Kurds of Turkey also suffered from normalized and collective rights violations by means of torture in prisons, forced disappearances, murder by unknown assailants (mystery killings), and village burnings, especially during the 1980s and 90s. The case-law of the European Court of Human Rights and the legal reviews published by the Kurdish Human Rights Project are relevant sources to illustrate repeated human rights violations directed at the Kurds: “Despite thousands of killings and enforced disappearances of Kurds by security forces in the 1990s, only a handful of military personnel have faced criminal trial; in four cases in 2015, military personnel were acquitted, and in no case convicted. Turkey’s 20-year statute of limitations on the prosecution of unlawful killings remains a major obstacle to justice” (Human Rights Watch, 2016).

In the case of terrorism of the marginalized, there should be twofold re-recognition. The twofold re-recognition model differs from the initially presented re-recognition model. Despite it strives for granting recognition to two distinct sets of misrecognized victims, it is not the combination of two separate processes. The wrongdoer in the first part of the twofold re-recognition is distinct and it should be seen as the political authority for the duration of the misrecognition since the political authority ought to prevent any citizens to suffer from pervasive structural inequality and normalized collective and political wrongdoing. The wrongdoer in the second part, that is the terrorist, is the victim of misrecognition in the first part. I believe this connection between the counterparts of the two re-recognition models should be reflected in the theory.

The connection I would like to insert here does not rely on forgiveness. That would be a forward-looking attempt for achieving peace. As I have repeatedly mentioned, the re-recognition deals with how we should conceptualize the retrospective aspect of justice after terrorism, how to vindicate the wronging of terrorism. The connection I will try to assert in the following lines could be theorized either on the justifiability/excusability of the terrorism of the marginalized or on intelligibility and understanding of their reasons by perspective-taking empathy. The justifiability/excusability of terrorism has been discussed before and I believe it would not be wrong to conclude that a moral justification or excuse for terrorism requires a more qualified account than that of political marginalization (Orend, 2005; Primoratz, 2011; Walzer, 2006a). I claim terrorism of the marginalized is a concept which has wider applicability than the justified or excused cases of terrorism.

I think empathy should play a role for the twofold re-recognition model to succeed. The victims of terrorism should emphasize and understand why the terrorists resort to terrorism in spite of its moral unjustifiability. For doing so, I suggest that the victims of terrorism should adopt an empathic attitude towards the previously marginalized terrorists by bringing their thoughts “home to themselves” in order to understand aspects of the situation of the terrorist as his subjective reasons for undertaking the terroristic act. By doing so, the terrorists’ actions would become intelligible to the victim since the reasons for undertaking the act of terrorism are perceived as reasons which could have been valid for the victim, too. Karsten R. Stueber (2017) calls this re-enactive empathy. Re-enactive empathy in the form of imaginative perspective-taking does not compel us to normatively endorse the view of the empathized. It only equips us with the intersubjective notion that the intelligibility of our actions can be echoed in the

empathizing agent's mind. I shall note that the empathizer should re-enact the empathized's reasons for acting by considering the differences between her and the empathized and hence by taking an "other-oriented perspective-taking", instead of adopting a "self-oriented perspective-taking", that is having a subjective bias for projecting beliefs and thought onto the empathized. Other-oriented perspective-taking means simulating the others' thoughts and deliberate about the situation that he experienced. In order to simulate his thoughts and deliberate as he had, the empathizer re-enacts his reasons by locating the psychological differences between them; putting on the unshared attitudes of the empathized and muting the attitudes that are not shared by the empathized (Stueber, 2017). The other-oriented perspective-taking allows the victim of terrorism to comprehend why the terrorist would approve of his actions, nonetheless, it does not mean entail why the victim of terrorism should approve of them from her own position.

Following the previous example, I can focus on the Kurds in Turkey to express my point in re-enactive empathy. As explained previously, the Kurdish population suffered from both pervasive structural inequality based on legal and social norms and normalized collective and political wrongdoings in the forms of torture, enforced disappearances, mystery killings, and village-burnings. Moreover, any political party which pleads for the Kurdish issue faced political ban by the Turkish constitutional court.³⁸ The legitimate and peaceful channels for uttering their political demands were

³⁸ The first pro-Kurdish party, the People's Labour Party (Halkın Emek Partisi, HEP) was established in 1990. Within three years, it was banned by the constitutional court. The Kurdish political movement reformed its organisation around the Freedom and Democracy Party (Özgürlük ve Demokrasi Partisi, ÖZDEP) in May 1993. Not surprisingly, the life of ÖZDEP was no longer than several months; it was closed in November. The successor of the ÖZDEP was the Democracy Party (Demokrasi Partisi, DEP). In March 1994, the immunity of six members of parliament of the DEP was lifted by the parliament, which led to their being sentenced to fifteen years in prison. In June, DEP was outlawed by the constitutional court, too. Simultaneously, the People's Democracy Party (Halkın Demokrasi Partisi, HADEP) succeeded

inaccessible. By using re-enactive empathy, even a pacifist can comprehend the subjective reasons of the Kurds who felt compelled to use terroristic tactics. Although there is a considerable distance between the normative stances of the victim (empathizer) and the terrorist (empathized), the victim can comprehend how the terrorist is led to undertaking the wrongful action due to the misrecognition he faced.

3.6. Conclusion

In this chapter, I discussed the moral and political value that should lie at the heart of the backward-looking aspect of justice after terrorism. In relation to depicting the moral wronging of terrorism from the spectacles of recognition theory, I asserted that what should lie at the heart of remedying the wrongness is the vindication of the misrecognition faced by the victims of terrorism. I defended a position that puts the victim's moral injury at the centre during this vindication. The vindicatory process lies in recognising the victims' moral worth as human beings and as moral and political agents. The re-recognition model based on Haldemann's transitional justice account not only provided a ground for theorizing backward-looking aspect of justice after terrorism but also ascertained the irrelevance of the oversimplified and mistakenly centralized dispute over

to the role of the pro-Kurdish party on 11 May 1994 and its relatively long political life ended in 2003 not only with a ban by the constitutional court but also with 46 of its founding members being deprived of the right to be involved in political activities. The following pro-Kurdish party, the Democratic People's Party (Demokratik Halklar Partisi, DEHAP), also faced a case of closure by the constitutional court; nonetheless, it merged with the Democratic Society Party (Demokratik Toplum Partisi, DTP) before the ruling of the court. DTP was closed in December 2009 and its co-chairs were deprived of their parliamentary immunity and restricted to prevention of membership of any political party for five years. The Peace and Democracy Party (Barış ve Demokrasi Partisi, BDP) came into being after the closure of the seventh pro-Kurdish party. Finally, the Peoples' Democratic Party (Halkların Demokratik Partisi, HDP) took over the duty of being the leading pro-Kurdish party in 2013. Although the pressure on pro-Kurdish parties ceased to exist for some years during the secret Oslo peace accords, since 2017 many mayors and members of the parliament, including the leader of the Peoples' Democratic Party, are imprisoned due to political crimes. The constitutional court accepted another investigation for banning the Peoples' Democratic Party (Halkların Demokratik Partisi, HDP) in 2021.

truth commissions and war crime trials. Nonetheless, the possibility of adopting two distinct institutions that are both able to grant recognition to the victims brought along the question of how and why we should choose between them. I suggested that truth commissions should be chosen when terrorism is employed by a social group that is excluded and marginalized and when their political objectives would be considered expressible in a democratic regime. In the following chapter, I will deal with the moral and practical questions regarding the forward-looking aspect of justice after terrorism.

4. Recognition-Theoretical Reconciliation: Forward-Looking Aspect of Justice after Terrorism

The argumentation in Chapter 3 inaugurated a discussion on justice after terrorism and raised some issues in the broader study of transitional justice. Justice after terrorism is Janus-faced as other forms of transitional justice are. There is the initial face that is dealing with the past injustice which I call the backward-looking aspect of justice after terrorism. I spared considerable space to argue how we should reverse the moral injury that the victims were subjected to by the long periods of violence due to terrorism. Re-recognizing the victims' moral worth is not only intrinsically valuable but also instrumentally significant for the purpose of having a holistic account of justice after terrorism since dealing with the past injustice is the prerequisite for forward-looking reconciliatory endeavours to emerge. In this chapter, I shall investigate how the relational transformation should be conceptualized in order to achieve the ultimate ends of justice after terrorism that are stable peace and justice as recognition.

4.1. Reversing Individual Misrecognition vs. Achieving Societal Mutual Recognition

I have defined terrorism as the repetitive and continual employment of acts of terrorism in pursuit of a political objective. As my discussion implicates so far, the society with an endured terroristic past is identified with misrecognition and inequality in the relations among agents. This is manifested in the continual indiscriminate political violence and its further dividing and polarizing effects in society. The re-recognition model that I have defended in the previous chapter serves the purpose of reversing the misrecognition inflicted on the victims by terrorism and its effects in the psychological

and moral dimensions. It deals with the moral wronging that terrorists perpetrate from an individual and psychological perspective. Yet, the wronging against the sociality of the society remains untreated. From a recognition-theoretical perspective, society emerges through the recognitional mechanism in which individuals intersubjectively affirm each other's free and responsible agency; "subjects are normatively incorporated into society by learning to see themselves as recognized with respect to certain characteristics" (Fraser & Honneth, 2003, p. 249). Terrorism wrongs its targets but also inhibits the functioning of recognition mechanisms and poses an ontological threat to society. Then, repairing the misrecognition does not lead us to a society whose members mutually recognize each other as equal and free beings. Phrased differently, the lack of misrecognition does not mean the presence of the state of mutual recognition. I think this particular social ontological aspect of recognition should play the central role in forward-looking aspect of justice after terrorism.

As I have constructed in the first chapter, justice after terrorism should satisfy three normative *desiderata*. I singled them out as the *desiderata* of action-guidance, non-recurrence and uninterrupted continuation of democracy. The last two *desiderata* demonstrate that an account of justice after terrorism can only be complete when it secures the absence of the incentives to employ terrorism again, and hence, the lack of acts of terrorism. Moreover, the end of achieving stable peace requires the absence of the possibility of war. Achieving stable peace after terrorism can be considered feasible only through reconciliation, that is the process of improvement in the relations among the parties of a past violent conflict. In this sense, it is desirable to set limits to the meaning of reconciliation since there is no consensus in the political philosophy literature about the notion (Radzik & Murhy, 2020). The examples from daily usage of the notion include

reconciling oneself to one's fate, some ideas, god; or reconciling people, groups. In relation to my general academic endeavour in this thesis, I take the term as a process of relational transformation of the society that has the terroristic past.

The relational transformation that is enacted by the backward-looking aspect of justice after terrorism is restorative and vindicatory. Therefore, it is limited to the changes in external behaviours such as the cessation of the act of misrecognition and the ritualistic events to stress the change in beliefs such as formal regret and moral censure –although such change is not necessarily expected on the side of the wrongdoer in terms of emotional sincerity. These changes, particularly the change in beliefs, are reflected in institutional changes when necessary as the previously mentioned case of terrorism by the marginalized exemplifies. The forward-looking aspect of justice after terrorism should combine some further institutional change with cultivating positive emotions and attitudes among the members of the society. I shall assert that both the institutional changes and the cultivation of positive emotions and attitudes are in service of establishing –or approaching to the ideal of– mutual recognition of agents as free and equal beings so that the transformed society could lead to stable peace and could meet the requirements for the normative *desiderata* that I set for the justice after terrorism. In other words, the backward-looking aspect of justice after terrorism stresses the fact that the political community is a community of equals by presenting a scornful moral censure regarding the act of misrecognition and by healing the moral injury of the victim whereas the forward-looking aspect takes from this minimally decent stage with the aim of improving the political relationships among people in the direction of the state of mutual recognition.

4.2. Social Ontological Significance of Recognition

The simple discussion above stresses that a society without misrecognition is not essentially a society with mutual recognition and reconciliation necessitates something more than the former if not the latter in absolute terms. In order to achieve relational transformation in the direction of the ideal state of mutual recognition, terrorism's ontological damage to society must be taken into consideration. The corrective function of the re-recognition model dwells upon the role of misrecognition in an individual's psychological development and the message of moral insignificance. However, reconciliation, as conceptualized as the betterment of relations in the direction of the normative ideal of mutual recognition, should lie in an account of recognition that is essentially more expansive than understanding the role of misrecognition in personal psychological development. It should inform us about the relational and intersubjective essence of recognition and its normative and political significance so that the betterment of relations could be developed in this direction.

From a coarse-grained perspective, recognition executes two tasks in Honneth's theory. First, recognition is the prerequisite for self-realization. Individual autonomy and freedom can only be construed via a person's psychological development which will be achieved through acquiring a positive relation-to-self in the domains of love, respect, and esteem. These positive relations-to-self are attained by being the object of recognitional attitudes of others. Only after such psychological development, self-realization or human flourishing is possible. "For it is only due to the cumulative acquisition of basic self-confidence, self-respect, and self-esteem –provided, one after another, by the experience of those three forms of recognition– that a person can come to see himself or herself, unconditionally, as both an autonomous and an individuated being" (Honneth, 1995, p.

169). As Honneth specifies, “we achieve autonomy along intersubjective paths by learning to understand ourselves, via others’ recognition, as being whose needs, beliefs and abilities are worth being realized” (Honneth, 2012, p. 41) This is the psychological significance of recognition. Second, recognition is the medium for social integration; an ontological requirement for sociality. Societies emerge as something distinct from simple aggregations of persons due to the relational connection between the subjects. The intersubjective nature of society is dependent on recognition. This is the social ontological significance of recognition (Ikäheimo, 2009).

On the one hand, Honneth’s account explains as a critical theory how everyday experiences of individual misrecognition translate into social change through the struggle for recognition. The individual comprehension of the connection between their experiences of misrecognition and their membership in a given social group sets the basis for the engagement in the struggle for recognition. If the individual motivation for social change succeeds under favourable conditions, the society is moved towards a better realization of the ideal of mutual recognition. (Honneth, 1995; Zurn, 2012). On the other hand, Honneth’s account unevenly brings together psychological and social ontological underpinnings to construct a formal concept of ethical life. It depicts these relations-to-self as the universalizable prerequisites of the formal concept of the good or ethical life (Honneth, 1995). A society is good or just to the extent that its members receive recognition in interpersonal and institutionalized relations to be able to create and maintain positive relations-to-self so that they can realize themselves (Ikäheimo, 2009).

I would like to stress that setting such a criterion for a good society narrows down the role of recognition to only its psychological significance. By focusing on recognition’s impact on the different forms of relation-to-self, and consequentially self-

realization, Honneth lessens the importance of recognition solely to the individual development (McQueen, 2019). Within this perspective, the psychological significance of recognition does not only come to the forefront but also puts the social ontological significance into shade although only the psychological damage of misrecognition is neither necessary nor sufficient for recognition struggles to emerge (Ikäheimo, 2009).³⁹

I do not deny the impact of the psychological significance of recognition. Indeed, I grounded the backward-looking aspect of justice after terrorism in the developmental conception of recognition. Nevertheless, I believe only an account of recognition which disposes a more essential normative role to the social ontological significance of recognition is suited for the forward-looking aim of mutual recognition. In the following parts of this section, I shall present recognition-theoretical accounts which free themselves from Honnethesque psychologizing limitations by embracing alternative Hegelian readings.

Heikki Ikäheimo (2009) considers the social significance of recognition in terms of *inclusion into personhood*. Following Pippin (2000), he takes recognition as what distinguishes ‘spirit’ from nature. He reads Hegel’s ‘spirit’ (or being spiritual) as the essential features of human persons and their lifeworld which make those distinct from mere animals and their environment. The differentiation relies on human persons’ psychological capacities and the intentional relationships to each other, to themselves, and to the world they live in. The state of nature ends and spirituality flourishes when the erotic signification, that is the simple and immediate response of animals to their environment in terms of desirability or willingness to avoid, steadily leaves its place to

³⁹ Also Honneth (1995, p. 164) acknowledges that misrecognition more frequently has a crippling effect on the victim instead of motivating her to struggle for recognition.

“mutually mediated intentionalities.” Such recognition ideally leads to the end-state in which the subjects achieve the state of mutual recognition (*Anerkannstein*) or they form ‘I’ that is ‘we’ and ‘we’ that is ‘I’. Ikäheimo makes use of Honneth’s tripartite structure to demonstrate what it means to be a spiritual being or to obtain personhood. Within this framework, Honneth’s different relations-to-self correspond to deontic, axiological, and cooperative dimensions of inclusion into personhood.

The first way which illustrates the aforementioned distinction between human persons and mere animals is that human persons regulate their world with norms. Contrary to the erotic signification of the environment for animals, human persons deontically structure their world through norms. These norms are effective only when they are collectively authorized. Collective authorization means “an authorization by a collective of authorizers unified by mutual attitudes of recognizing each other as co-authorities of the norms in question” (Ikäheimo, 2009, p. 36). Then, norm-administration is a collective practice of recognized co-authorities. Therefore, interpersonal recognition is a requirement for collective practices of norm-administration (Brandt, 1999). The deontic dimension of inclusion into personhood regards taking someone as the co-authority of shared norms which can be seen as the meta-practice of norm-administration.

The second way persons and mere animals are differentiable is that human persons axiologically structure their world. They perceive things in light of values that are beyond the erotic significance that reveals to animals. Human persons are capable of seeing their lives as “temporarily extended finite wholes” and they intrinsically value the goodness of their lives. Intrinsically caring about humans’ lives, their wellbeing, and happiness is essentially important in axiologically structuring the lifeworld of persons. Debatably, even the things human persons value instrumentally are in service of something that is

intrinsically cared for by them. Axiological dimension considers intrinsically caring about their or someone's good life and making it central in evaluative structuring their world.

Finally, the third way which shows the differentiability between human persons and mere animals is the capacity of having long term interests which go beyond erotic satisfaction. The capacity of conceptual thinking renders human persons as planning beings. These plans, one way or another, depend on or intersect with other people's plans. The cooperative dimension pertains to taking others as respected and free partners in the realization of one's individual or social plans.

It is this net, I believe, based on interpersonal attitudes of recognition through which persons mutually attribute to each other person-making significances or statuses, that Hegel means by the formula "'I' that is 'we' and 'we' that is 'I'". In a nutshell (and abstracting from a number of complexities), 'spirit' is the complex network of interpersonal relationships of mutual 'being recognized' in which humans can flourish as persons, both psychologically and socially. The three dimensions of being recognized are thus dimensions of being ontologically integrated or included into the lifeworld of persons as a person (and not, say, as beast of burden), or in other words, dimensions of *inclusion into personhood*. Even if the institutional forms in which the different forms of recognition are realized may vary greatly from one culture to another, the three dimensions of personhood corresponding to the three recognitive attitudes seem to articulate quite universal human expectations concerning good life. (Ikäheimo, 2009, p. 41)

The negligence of the social significance of recognition theory in Honneth's account overlooks the relational aspect of the harm of misrecognition. When misrecognition occurs, it does not only result in psychological harm as Honneth's theory boldly underlines but it also causes relational harm that is entirely independent of the psychological effects of the recognition. Accordingly, being taken as someone who lacks the co-authority for the norms to which one's life and future are subjected, or being positioned among people to whom one has solely instrumental value, or not being taken as a respected and free partner or a meaningful collaborator of the social plans are

relational harms in the sense that the meaning of the harm is relationally constituted and they affect the relations negatively (Miller, 2009).

Ikäheimo fruitfully clarifies how recognition distinguishes human persons and their lifeworld from mere animals and their environment and how recognition cannot be narrowed down only to psychological development. Nonetheless, a specific feature of deontic structuring of the world or collective norm-administration could particularly be expanded by relying on a social-relational reading of Hegelian free and rational agency. I believe the following expansion will unfold the specific roles recognition plays in collective norm-administration more clearly.

Contra Honneth's developmental account of recognition theory, Fabian Schuppert (2014) and Paddy McQueen (2019) trace back the meaning of freedom and autonomy in Hegelian philosophy to bring the social significance of recognition to the forefront. In light of the works of Brandom (1999; 2009) and Pippin (2000; 2008), they emphasize that Hegel, pursuant to the Kantian idea that free agency is a normative status, adds a social dimension to the free agency when he sees it as an intersubjectively constituted social status. Since agents are already embedded in a social community with social and discursive norms, they are necessarily norm-dealing, concept-mongering, rule-following social beings. Agents express that they freely endorse and commit to certain rules and norms through social and discursive practices. These normative commitments and actions are judged through the social practice of reason-giving and reason-taking when justificatory challenges are directed against them. This is how agents engage in social justification.

Therefore, the practice of rational agency requires being in a shared space of reasons and being recognized as a reason-responsive agent. Intersubjective ascription of the status of agents appears as a basis for the free rational agency that is “a normative social state in which the individual subject is able to act freely and autonomously for reasons which are its own embedded in a social space of mutually reciprocal relationships of recognition” (Schuppert, 2014, p. 11). Agents are reason-capable free rational beings who are responsible for taking actions and committing to norms.

[H]uman agency essentially constitutes itself through the mutually recognized and responsibly committed participation in social practices of reason-giving and reason-taking. What distinguishes us from other animals is thus not the mere rationality, that is our capacity to form intentions and pursue them rationally, but our sapience, our capacity to reflect on reasons, respond to them, to rationally endorse commitments and make judgements, which in a unique way makes us normative and responsible beings. We are reason-responsive creatures with special capacity to freely and autonomously bind ourselves by norms [...] (Schuppert, 2014, p. 12).

To recapitulate, humans’ lifeworld is deontically structured; humans are rule-following, normative-commitments-bearing beings; and human agency is an intersubjectively constituted social status. These commitments are judged by other recognized free and responsible members of society. Mutual recognition of the status of a legitimate reason-capable agent is needed for the practice of free rational agency because the free rational agency is a recognitional normative status within a shared space of reasons. I shall call this, as Schuppert (2014) suggests, freedom as recognition. On the other hand, this construction of Hegelian free rational agency expects the agent to endorse her actions and commitments, and be responsible for them. The free rational agent is responsible for the reasons she endorses in relation to taking actions and making normative commitments. Hence, the free rational agent is the one who does not only obtain the intersubjective status by being recognized but also who can stand behind her

actions and commitments by identifying with the reasons she has reflected upon. From this aspect, autonomy is not merely about the agent's ability to morally reflect on the reasons she has endorsed, but a social normative state that expects her to identify with the reasons for her actions and commitments. The ability to reflect on reasons and the authority of speaking for oneself results in situating oneself accountable. Let us call this autonomy as responsible endorsement (Schuppert, 2014).

Likewise, McQueen (2019) develops a social-relational account of free agency with a bolder emphasis on the social practice of reason-giving and reason-taking and the justificatory challenges. Following Pippin's (2008) reading of Hegel, he takes freedom as the reciprocal ability to offer and demand practical reasons for beliefs and actions which can be recognized as appropriate by the recognizers. Such relational status between the agents can be achieved only when persons recognize each other as free and rational agents who are able to defend their actions and beliefs against justificatory challenges. Therefore, socially free persons are those who can have their reasons authorized by the fellow recognizer through justificatory challenges in a shared social space of reasons. This account, too, addresses the two dimensional role of recognition in normativity. First, there is the recognition of the agent's status as a free and rational being. Second, there is the recognition of the agent's practical reasons as appropriate for the justifying agent.

The central idea of the normative authorisation account is that a free agent is one who is able to offer reasons for her actions, which can be recognised as appropriate by individuals to whom she justifies herself. This requires that these individuals recognise one another as free and rational agents capable of answering for themselves in the light of justificatory challenges. In other words, free beings are individuals embedded in a shared/social space of reasons, who can engage in justificatory dialogue concerning their actions with, and have their reasons 'authorised' by, discursive partners (people one recognises as a fellow reason-giver and reason-taker). Consequently, to enjoy social freedom one must be recognised as having the status of a free agent, i.e. someone who acts on appropriate practical reasons. To be appropriate, the reasons must fit with an agent's practical identity, that is, her core preferences, desires, projects and the like. In

other words, her reasons must be intelligible in the light of who she is (McQueen, 2019, p. 9).

The social-relational accounts of the free and responsible agency are also responsive to another problem that the developmental recognition theory is subjected to. In Honneth's theory, the relevance of recognition is restricted to achieving the preconditions of self-realization due to its developmental nature. When one receives enough affirmative recognition to realize positive relations-to-self in the dimensions of love, respect and esteem, one becomes autonomous and individuated being in the developmental account. It is not clear what sort of role recognition could play after the threshold level is obtained. However, the social-relational accounts overcome this problem by focusing on the social significance of recognition and by taking the social aspect of recognition as a continual process instead of a process that ends when a certain threshold level is reached. Constructing a social-relational account of free and responsible agency not only highlight the intersubjective nature of recognition but also provide a perpetual and prospective role to recognition within the whole picture.

4.3. Recognition-Theoretical Relational Transformation

At least to my knowledge, no post-terrorism peace process exemplifies a recognition-theoretical justice conception similar to my suggestion. Indeed, one of the reasons I consider this research as a contribution to the literature is its unprecedentedness. In the rest of this chapter, I will provide a further detailed account on how to transform political relations after terrorism. However, I would like to present the Northern Ireland example and illustrate the historical moments which highlighted the importance of the reaffirmation of the previously unrecognized identities and recognitional reconciliatory

endeavours in a post-terroristic setting although it does not constitute a proper example to my theory.

The way to the first paramilitary ceasefire in 1994 was paved by the inter-state actions between the governments in London and Dublin which were reflected inter-community relations in Northern Ireland. The 1985 Anglo-Irish Agreement manifested that British and Irish governments cooperate to settle a balanced order in Northern Ireland and demonstrated that if these states and nations can work closely as equal partners so can the inter-community groups in Northern Ireland (Arthur, 2000). In 1990, a British minister stated that Britain's opposition is against the political violence and terrorism and not to the aspiration of having a sovereign and united Ireland (O'Neill, 2012). This statement did not only show incentives to further dialogue with the republican movement but also recognized the legitimacy of an aspiration to unitary Ireland and positioned those sharing this aspiration as morally autonomous and responsible agents. Furthermore, the Downing Street Declaration of December 1993 consolidated the message of equal statuses between parties by singling out the conditions under which the two governments would project a possible united Ireland. The ceasefire of 1994 occurred in relation to these agreements and statements which had addressed British and Irish peoples as equals and partners in resolving the transitional problem.

The Good Friday Agreement in 1998 imbricated the equal status between the parties and dismantled the superiority claims in the relationship between communities to prevent systematic political or constitutional advantages:

British unionists and Irish nationalists in Northern Ireland, through the peace process and the Agreement at its heart, have agreed to share power, to respect one another's differing political aspirations and to esteem the contributions that each of their traditions has made to social and cultural life. They have thereby taken on a critical role in reaffirming and in

reiterating a relationship of equal partnership between the British and Irish peoples. In this sense they have built on a process of mutual recognition between Britain and Ireland and they have made a vitally important contribution to ensuring that relations of mutual respect are secured on firm foundations (O'Neill, 2012, p. 159).

The peace process after the Northern Irish ethno-national conflict and terrorism illustrates how cultivating mutual recognition is the backbone of reconciliation. As I have discussed in the previous chapter, acts of terrorism essentially result in acts of misrecognition which cause psychological harm to the victims. As the discussion in the previous sections concludes, an elaborate theory of recognition cannot discard the social ontological significance of recognition. The misrecognition that is occurred due to continual acts of terrorism has not only psychological but also relational consequences. Justice after terrorism requires a theory of reconciliation that addresses the social ontological aspect of recognition by transforming the relationships among citizens in the direction of the normative ideal of the state of mutual recognition (*Anerkannstein*).

I believe Colleen Murphy's (2010; 2017) relational transformation account offers a promising basis to construct a recognition-theoretical reconciliation that would constitute the forward-looking aspect of justice after terrorism. Murphy constructs her theory of reconciliation in such a way as to promote the values of respect for agency and reciprocity. Although Murphy explicitly stresses that her theory is not based on recognition, I believe the social-relational account of recognition I have drawn in this chapter so far corresponds to the values she aims to promote. Indeed, in promoting these values, she also erects her theory of relational transformation on the basis of the intersubjective and normative status of reason-capable agents, sharing a space of reasons, posing justificatory challenges to other's beliefs and actions, social freedom and autonomy, and mutuality.

Agents are capable of interpersonal interaction, taking into account and responding to the reasons offered by others, and capable of recognizing the second-person standing of others to make demands and claims on them. Moral agents have the capacity to respond to moral reasons and recognize the moral constraints that the agency of others imposes on how they treat them. To acknowledge agency is to treat individuals as responsible persons by structuring interaction so that individuals are in a position to choose course of action and, in turn, appropriately be held to account for the choices they make.

Reciprocity entails that citizens and officials are willing to fulfil their responsibilities toward others when they in turn demand that fellow citizens and officials fulfil their responsibilities toward them. A commitment to reciprocity recognizes that our actions influence the legitimacy with which we can make demands and place expectations on others. (Murphy, 2017, p. 121)

I think reconstructing Murphy's reconciliation theory on the basis of recognition seems promising for the forward-looking aspect of justice after terrorism. A society that is characterized by a terroristic past and the relationships that are identified with misrecognition violate the normative ideal we seek for. The relational transformation should establish the conditions to better the political relationships. Only then the wronging of terrorism in relation to the social significance of recognition can be treated and the normative *desiderata* of justice after terrorism can be met. I shall argue that the institutional and relational conditions which are required for bettering the political relationships are rule of law, relational capabilities, political trust, and hope (Moellendorf, 2006; Murphy, 2010).

4.3.1. Rule of Law

Although I had not defined democracy or embraced a rather thick definition of democracy in this thesis, I stressed repeatedly that the entire research is limited to the discussion on how democracies should fight terrorism. Rule of law is a necessary feature of a democracy, and therefore, the aim of establishing rule of law might seem redundant in the discussion of how democracies should fight terrorism. However, many faulty or

illiberal democracies require substantial strengthening, re-establishment of or congruence to rule of law as the Irish and Kurdish examples in the previous chapter demonstrates.

The law should be general, promulgated, prospective, clear, and non-contradictory in order to govern the rules of the practices in the relationships among agents. It should also be in demand of possible actions and it should achieve congruence between laws and their enforcement (Murphy, 2017). If the democratic case at hand fares badly in one of these features, relational transformation requires strengthening of rule of law.

Furthermore, rule of law is non-instrumentally valuable for facilitating recognition in certain ways. It embeds free, rational and autonomous agency as a social normative status at the core of the rules which regulate legal conduct. Apart from holding agents accountable, establishing or strengthening rule of law takes agents as interpreters of social norms and allows them to structure their world with norms. Only when the rules of interaction in political relationships are justly regulated, the social and discursive practices which are the essential features of the social-relational conception of free and autonomous agency could eventuate.

4.3.2. Relational Capabilities

The theoretical basis of Martha Nussbaum's capabilities approach come from the Aristotelian roots of Marxist philosophy. It asserts that persons should obtain a threshold level of capabilities to be truly human and distinct from mere animals. For instance, a starving person approaches food merely with its erotic significance; his feeding activity does not differ from that of an animal. I argue that the quintessential point of political relational capabilities emphasizes intersubjective recognition and social freedom and

autonomy, and these capabilities are crucially important in transforming political relationships in the direction of the state of mutual recognition.

The core idea is that of *the human being as a dignified free being who shapes his or her own life in cooperation and reciprocity with others*, rather than being passively shaped or pushed around by the world in the manner of a ‘flock’ or ‘herd’ animal. A life that is really human is one that is shaped throughout by these human powers of *practical reason and sociability* (Nussbaum, 2001, pp. 72, emphasis added).⁴⁰

[...] to be a truly human mode of functioning, must involve *the availability of both practical reason and affiliation*. It must involve being able to behave as a thinking being, not just a cog in a machine; and it must be capable of being done with and toward others in a way that involves mutual recognition of humanity (Nussbaum, 2001, pp. 82, emphasis added).

Likewise, Murphy defines capability as “the genuine opportunity or freedom open to an individual *to do or become something of value*” (Murphy, 2017, pp. 130, emphasis added). In this respect, it is clear how relational capabilities are in service of generating mutual recognition. Indeed, the three relational capabilities as captured by Murphy refer to the three dimensions of inclusion into personhood. To achieve mutual recognition in society, every individual must own the following capabilities; being respected, being recognized as a member of a political community, and participating in the political social and economic institutions of their community (Murphy, 2017).⁴¹

The first relational capability, which is being respected, is a combination of the deontic and axiological dimensions of inclusion into personhood. Nussbaum (2001) theorizes the capability for affiliation in two senses; it is about being treated as a valuable being and being respected as an equal social agent. I tented to focus on the former sense

⁴⁰ Nussbaum’s account relies on the Kantian ideas of inviolability and dignity. I, on the other hand, keep to align my theory with Margalit’s (1996) justification for non-humiliation.

⁴¹ I preferred to neglect the fourth capability in Murphy’s account. Although the capability against severe poverty has indirect effect, I believe it does not bare the same significance with the three prior capabilities in theorizing justice after terrorism.

and construct this capability within the axiological dimension since the second relational capability covers the deontic dimension of inclusion into personhood. Thus, the capability for being respected concerns intrinsically caring about fellow citizens' good life.

The capability of being recognized as a member of a political community bears the significance of being morally equal, free, autonomous, and responsible agent in the society. It deals with the deontic dimension of inclusion into personhood. The emphasis is on having the intersubjective status of being respected by others as a co-authority and being included in norm-administration.

Finally, the capability for participating in the political, social, and economic institutions of their community minimally requires the capacity for political participation. I believe the capacity for political participation is inherent in the previous capability. I would rather read the capability for participating in the political, social, and economic institutions more spaciouly and claim that this capability indicates engaging and participating in individual or social plans as a respected and free partner in the society which is stressed by the cooperative dimension of inclusion into personhood.

If a transitional society with a terroristic past improves the relational capabilities of each member of the society, it promotes not only relational equality but also establishes the necessary building-blocks for the social and discursive practices in which individuals appear as free and autonomous agents. When the political relationships between the members of the society and the former terrorists are being improved in terms of relational capabilities, the society approaches the ideal of the state of mutual recognition.

4.3.3. Trust

The societies which are in need of relational transformation are characterized by prior misrecognition and violence. The aforementioned past injustice sows discord and distrust in political relationships. In order for former parties of the conflict to socially ontologically recognize each other, the relational transformation we seek requires converting the deep distrust that is seeded in the transitional society into default trust.

Murphy's relational transformation account follows Karen Jones (1996) in defining trust as a reactive attitude of optimism about the goodwill and the competence of the trusted; he will, if relied upon, be moved directly and favourably by the thought that he has been counted on and prove trust responsive. Although this conceptualization of trust seems fitting for direct relationships, I am doubtful about its suitability for general political relationships or regarding heavily damaged political relationships. The trusting relationship among political agents is less direct and rather unseen. Moreover, having an attitude of optimism about the goodwill of the trusted is not such a realistic –although desirable– expectation among the members of transitional societies.

Trudy Govier (1997) provides a sophisticated account of trust which is immune to the goodwill criticism. She conceptualizes trust as a complex attitude relying on expectations of benign behaviour based on beliefs about a person's motivation and competence; an attribution of general integrity; an acceptance of risk and vulnerability; and a disposition to interpret the trusted person's actions favourably. Although I believe it is sufficient to provide a basis to theorize trust in relational transformation, Margaret

Urban Walker (2006) rightly criticizes the requirement of the benignity of the behaviour and stresses that it is not suitable for certain extraordinary relations.⁴²

Trust is a relational/intersubjective attitude among people. It emphasizes how the truster looks at the trusted and how she can reasonably expect him to behave as he is relied upon. Trust is role-specific; one can be trusted in relation to his role as a fellow citizen or a friend. The aforementioned theories of trust, along with similar other accounts, fail their attempt to construct a general and all-purpose account of trust. On the contrary, I think we can safely endorse a pluralism of trust. Since the beginning of this thesis, I have been sometimes restricted and some other times freed by the very specific focus of the research question. Once again, I believe what is required here is a laconic account of trust that is valid and sound for transforming the political relationships which are damaged by prior misrecognition and terrorism.

In the most basic sense, trust is reliance with further defining denominators. When we trust, we rely on someone to do something and we react towards his performance of exceeding or failing to satisfy our expectations. Therefore, trust is not a reactive attitude in itself but it results in the reactive attitudes of gratitude or resentment (Holton, 1994). This practical stance towards the trusted, that is the expression of gratitude or resentment, means that we hold him responsible for complying with the action he was relied on. However, is there a ground for our positive or negative reactive attitude?

Walker (2006) elaborates on the conceptualization of trust as reliance with expectations and adds a normative layer. We do not simply present resentment to any failure to satisfy our expectations. For instance, if the paperboy fails to deliver the daily

⁴² Walker (2006, p. 77) offers the example of the contract killer to demonstrate that a trusting relationship can be based on non-benign behaviour.

newspaper, we might feel frustrated but not betrayed. The expectation in trusting relationships is a normative one. The trusted is relied on to do something he should/is supposed to do. What distinguishes normative expectations from mere reliance, empirical regularity or confident predictive assumptions is that the truster takes a stance towards the trusted; she expects *of* him, not *from* him. “Normative expectations of people embody a certain attitude toward them that is at once giving and demanding: we treat them as responsible and potentially responsive, and we are prepared to react negatively if they do not do what they should” (Walker, 2006, p. 80). Following Walker’s argument, trust can be defined as a reliance with normative expectations, that is the trusted is expected to behave as relied on and with the awareness that he is liable to be held responsible in case he fails to satisfy the expectations. Yet, I believe this definition of trust also fails to convincingly argue for the difference between our reactive attitudes to the failure of the paperboy and that of fellow citizens. Despite, the paperboy has the duty to deliver the newspaper, his failing to satisfy our normative expectations does not result in the same reactive attitude. I do not offer a solution to this problem. Instead, as I have explained briefly before, I will prefer to provide a context-specific account of trust that focuses on the political relationships among the members of the society.

Societies characterized by prior employment of terrorism exemplify the consistent violation of unilateral expectations on compliance with the normative principles. I believe, after the backward-looking aspect of justice after terrorism reaffirms the victims’ moral status, trust in relational transformation should be seen as a reliance with the expectation that the trusted will behave in a certain way because of the reasons that derive from commitments to the shared norms and values. As the members of a society that heals moral wounds and transits from violence to stable peace, the agents should expect from

each other to comply with the requirements of intersubjective recognition and the practice of reason-giving.

Trust builds on a reciprocal commitment to shared norms and values in specific roles and domains (De Greiff, 2012). Within this framework, civic/political trust refers to relying on fellow citizens to perform certain patterns of behaviour with the expectation that the fellow citizens have reasons to behave so, deriving from the commitment to shared norms and values. Moreover, fellow citizens are aware that they are liable to be held responsible in case they fail to satisfy the expectations and receive reactive attitudes. This is also coherent with the recognition-theoretical basis I defended for the relational transformation. As the social ontological account of recognition theory defends, fellow citizens enjoy the recognitional normative status of being autonomous and free rational agents by obtaining the legitimate reason-giver and reason-taker in a shared space of reasons and by standing behind or owning their actions and behaviours. If the theoretical basis I have defended so far is valid and sound, the members of the transitional society should seek for the betterment of political relationships in order to reconcile and achieve stable peace through proving trustworthy and building a society that is characterized by default political trust.

4.3.4. Hope

Hope takes a complementary, marginal role in Murphy's relational transformation account. It is an element in the evaluation of the processes of transitional justice. On the contrary, I believe hope considerably contributes to relational transformation and reconciliation.

Although interest in the studies of the concept of hope has recently been rising in contemporary political philosophy, the literature still does not provide an abundant body of works. Hoping is an imaginative activity about the eventuation of the state of affairs in the future. Hope is generally considered as a combination of a desire for an outcome and a belief that the eventuation of that outcome has a nonzero possibility (Day, 1969; Pettit, 2004; Rioux, 2021). Some cases such as the one with the different attitudes of hoping shown by terminal cancer patients to the same treatment demonstrate the shortcomings of the standard view. Compound accounts of hope, on the other hand, offer more complex structures than the combination of desire and belief. For instance, Luc Bovens (1999) argues hoping involves mental imagining regarding how it would be if the hoped state should actualize; Philip Pettit (2004) suggests hope entails a cognitive resolve or a strategic decision in one's practical reasoning apart from desire and belief.

Darrel Moellendorf's (2006) compound account of hope adds the effect of the normative importance of the object of hope by returning to Kantian practical ethics. When the object of hope is significantly important in the normative sense, reasonable hope can be maintained even if there is doubt about the likelihood of the hoped-for state of affairs. However, considering that one's hope for a state of affairs whose eventuation is of great normative importance can fall victim to the demoralization for several reasons, Moellendorf augments his account. One hopes when she desires for an outcome and believes that outcome's come to pass is possible, and the outcome is of normative importance, and these conditions are sufficient for her to incorporate the existence of the hoped outcome into her plans for acting. Therefore, it stresses the practical aspect of hope (Rawls, 1999, p. 386; Rawls, 2000, pp. 158-159).

I believe this equips us with a theoretically robust and practically well-suited account of hope for the forward-looking aspect of justice after terrorism. The members of the transitional society at hand desire and believe in the nonzero possibility of reconciliation and peace. The fact that military warfighting is over and the moral wounds have been remedied through the re-recognition mechanism proves this point. The outcome, that is stable peace is normatively important since it is a prerequisite for any form of flourishing human life. People should be driven to incorporate stable peace and a just society into their plans.

The reason behind my claim that people should incorporate the normatively important goal of achieving stable peace and reconciliation into their plans lies in the transitional value of hope (Moellendorf, 2006). Transitional societies, by nature, are in an ongoing process of change and normative shift in order to establish more just social arrangements. The members of transitional societies are in disposition to comparatively endorse alternative social institutions. However, these transitions do not occur from a non-ideal state of affairs to the ideal one. Instead, it usually occurs as a gradual passage from a non-ideal situation to another non-ideal situation that is closer to the ideal or higher in the ladder of non-ideality (Steiner, 2017). In these transitional periods, the comparative endorsement of the state of affairs relies on the hope for the pursuit of a more just society (Moellendorf, 2006; Moellendorf, 2007). The practical rationality of hope as a transitional value lies in certain circumstances. As my argument illustrates, the ceasefire and the absence of political violence and the re-recognition mechanism provides the members of the society that is marked by terroristic past the basis for transitional hope by discussing

injustice, expressing moral censure, truth-telling, and aspiration for achieving stable peace and reconciliation through the aim of mutual recognition.⁴³

How else does hope contribute to the relational transformation? First, it motivates people to resolutely take action towards the hoped-for; it allows them to retain their tenacity especially under difficult circumstances. Therefore, hope is instrumentally valuable especially for the societies in transition to composing more just institutions and relations (Moellendorf, 2006). Second and relatedly, hope functions as a facilitator for the deontic and cooperative dimensions of inclusion into personhood. As explained above, the deontic dimension of inclusion into personhood regards taking someone as the co-authority of shared norms whereas the cooperative dimension pertains to taking others as respected and free partners in the realization of one's individual or social plans. Hope contributes to both of these dimensions by positively affecting the people's attitudes to shape their lifeworld and plan their future.

Although I have embraced an alternative account of hope, Pettit robustly stresses the substantial importance of hope in collective action and the attainment of recognition as an intersubjective normative status. As I have explained previously, the practice of free rational agency requires recognition of the status of a legitimate reason-giver and reason-taker since the agents hold each other accountable in light of justificatory discursive challenges. However, the societies with the terroristic past illustrate that such recognitional relations and the practice of reason-capable agents have been failed and fallen into indiscriminate lethal violence. Why should agents be ready to ascribe such status to an already failed group?

⁴³ Moellendorf (2006) advances the argument to claim that the members of transitional societies who fail to hope are failing to live up to the ideal of a good citizen and they are *prima facie* blameworthy.

We each act, as a matter of common awareness, as if the others with whom we routinely deal have the capacity, aspiring to find in them creatures with whom it is possible to reason and to make society; we do this through the thick and thin of failure, always refusing to let the evidence of failure dent our confidence. But this, in my terms, is just to say that we are each committed as a matter of common awareness to the hope –sustained up to the very threshold of ascribing madness or mania– that others will always prove conversable in that way. We make it a matter of commonly recognized, cognitive resolve that others are capable of reasoning effectively with us and that they each have the status of a person among persons (Pettit, 2004, pp. 164-165).

4.4. Radicalism and Justice after Terrorism: An Abnormality

I assume a limitation of my theory as it is presented so far has not gone unnoticed. Although it aspires to propose morally governing rules for each practice after the moment terrorism occurs, the applicability of the suggested theoretical framework is limited when it comes to two types of terrorism, i.e. revolutionary/radical ideological and religious terrorism. My construction of *jus ex bello* for terrorism is independent of the radicalism of the political objective of terrorist groups. My concern for refraining a possible act of misrecognition against the defiant wrongdoer in the re-recognition model results in not asking sincerity of the apology on the side of the terrorist and allows me to overcome any problems that might occur with the radical terrorists in the backward-looking aspect of justice after terrorism. However, the forward-looking aspect of justice after terrorism is a recognition-theoretical account of reconciliation and the radicalism of the terrorists' political objectives and their absolutist, de-pluralized world views pose a challenge to my theory.

The previously introduced typology of terrorism allows us to identify the radicalism of certain political objectives of which the former terrorist was –and may still be– in pursuit. The political objectives of national liberation and separatist terrorism do not necessarily pose a fundamental threat to the democratic system. Leaving aside the

historical and social contingencies and the terroristic past, these objectives can be uttered in a society that is identified with mutual recognition and democratic discursive practices once the transition is completed. It is expected that these political issues will be resolved through democratic channels in the future. Therefore, I argue that justice after terrorism applies to these cases as it is. On the other hand, the political objectives of revolutionary/radical ideological and religious terrorisms are so comprehensive that they violate the conditions of the practice of reason-giving. My aim is not deciding which political ideas can be uttered within reason-capable agents. People can be entitled to hold also radical political objective. Yet, the forward-looking aspect of terrorism seeks the betterment of political relationship between the former terrorist and the society at large. The former terrorist who has internalized and continue to embark on the radical political objectives for which he has employed terrorism has to be disassociated from radicalism prior to taking part in the forward-looking aspect of justice after terrorism. Only then, we can mention a recognition-theoretical conception of reconciliation in which the reason-giving reason-taking practices could function.

Radicalization is not psychopathology we can cure (Corner, et al., 2016). Yet, recent political psychology studies claim that radicalization processes consist of sensitivity or motivational component, ideology, the social processes of networking and group dynamics and the action phases (Doosje, et al., 2016; Kruglanski, et al., 2014). Likewise, philosopher Quassim Cassam (2020) argues that radicalism should refer to a combination of a particular mindset along with the condition of the use of violence.^{44 45}

⁴⁴ Cassam (2020) uses the term extremism instead of radicalism. Indeed, he introduces a distinction between radicalism and extremism in another work (Cassam, Forthcoming). I will continue with the term radicalism for coherency purposes.

⁴⁵ Cassam argues against these radicalization models in a previous writing and offers moderate epistemic particularism to understand how people turn to political violence (Cassam, 2018).

He thinks the radical mindset is composed of a perception of victimization, a commitment to the purest form of the favoured radical ideology, lack of compromise, and indifference to any adverse effects of their actions. Indeed, many de-radicalization models see radicalization as a process of de-pluralization of political values (Gill, 2007; Koehler, 2017; McCauley & Moskalenko, 2008). By de-pluralization of political values, I mean the individual internalization of the absence of any viable alternative interpretations of political values or the conscious removal and negation of alternative conceptualizations of political values.

A maximally radicalized person in this sense does not recognize an alternative concept of 'justice,' 'freedom,' or 'honor' and even reacts aggressively towards different viewpoints. As the problematic aspect of 'violent radical ideologies' lies within the inherent inequality between human beings, the *decreasing* number of alternative concepts, values, problems, and solutions in combination with an *increasing* urgency of the main problem forces each person inevitably (in case the process is not interrupted) to eventually cross the individual point at which the use of violence is the only option to resolve the tension (Koehler, 2017, pp. 75-76).

In the previous sections, I explained that free rational agents are accountable for the normative reasons they endorse. Schuppert (2014) argues that two distinct aspects of normative validity are in play during the practice of reason-giving. On the one hand, the agent should scrutinize the rational validity of the reasons she endorses; on the other hand, the social validity of the reason is subjected to the norm's social acceptability and interpretation within that society. I shall focus on the rational validity of norms and how well the former terrorists fare in terms of scrutinization.

Rational validity assesses whether a norm can coherently be endorsed by an agent. Therefore, the agent is supposed to endorse those norms which are rationally justifiable and compatible with the agent's previously existing commitments. The formula that

Schuppert (2014) suggests for scrutinizing the rational validity of a norm comprises the following three aspects: critical reflection, ampliative integration, and justificatory reasoning. Critical reflection allows the agent to understand whether the new commitment is compatible with the pre-existing set of normative commitments she holds so that she can consistently endorse all these norms. Ampliative integration pertains to examining the direct consequences of the new commitment whereas justificatory reasoning means having a warranted judgement about the norm. Successful satisfaction of these three aspects of responsibility is the necessary condition for granting rational validity.

In the forward-looking aspect of justice after terrorism, we shall expect the former terrorist to endorse normative commitments that are rationally valid, so that he can be taken as a legitimate reason-capable agent, and hence, he can take part in the reconciliatory project as a free, autonomous and responsible agent. Nonetheless, none of the steps I have constructed so far for justice after terrorism allows us to certainly know whether the former terrorist holds rationally valid normative commitments. Considering the ritualistic nature of the re-recognition mechanism in the backward-looking aspect of justice after terrorism and the worry that forcing someone to endorse a viewpoint that is not theirs would constitute another case of misrecognition, we are not in a position to witness a sincere change in the former terrorist's views and beliefs. Moreover, revolutionary/radical ideological terrorists and religious terrorists have such a de-pluralized viewpoint on political goods and values, they cannot endorse normative commitments and act as legitimate reason-capable agents. In order to meaningfully integrate a former terrorist who still adheres to the radical political objective which results in having rationally invalid normative endorsements into reconciliation, we must consider changing the radical mindset.

Within the limits of this thesis, I do not believe that I can provide a detailed philosophical account of just de-radicalization. Radicalization is such a complex process that the prescription of a general and concise de-radicalization account is not possible. Instead, de-radicalization should be focussed on the ideology, the social processes of networking and group dynamics or value pluralization in relation to the specific features of individual case. That is why my argument does not specify how just de-radicalization should be. It is limited with pointing out almost an abnormality in justice after terrorism and addressing that if the revolutionary/radical ideological or religious terrorist still embarks on the radical political objective after backward-looking mechanisms, de-radicalization in the form of the re-pluralization of their value world is a prerequisite for a successful reconciliation.

4.5. Conclusion

In this chapter, I argued that the Janus-facedness of transitional justice can be fruitfully supported by two distinct but not exclusive accounts of recognition theory. As I have benefitted from the developmental recognition theory in dealing with the psychological and moral injury of the victims of terrorism in the backward-looking aspect of justice after terrorism, I used the social ontological significance of recognition theory for constructing an account of reconciliation for a society that is characterized by terroristic past. By investigating the social ontological significance of recognition, I argued that transitional society with a terroristic past should aim at a relational transformation that is directed to the ideal of the state of mutual recognition because the state of mutual recognition articulate “universal human expectations concerning good life” (Ikäheimo, 2009, p. 41). This brought me to further examine the social-relational

conception of free and autonomous agency within the framework of recognition theory. Consecutively, I discussed how these theoretical features can find more concrete manifestations in the mechanisms of transitional justice. I constructed the forward-looking aspect of justice after terrorism as a process of the betterment of political relationships directed to the end of establishing the state of mutual recognition. Finally, I have detected an abnormality in the forward-looking aspect of justice after terrorism. Reconciliation is inapplicable for some types of terrorism due to the radicalism of their political objectives. I argued that these former terrorists should be de-radicalized.

5. Concluding Remarks

Throughout this thesis, I have tried to provide an answer to the question “How democracies should fight terrorism beyond military means?” I was motivated to pursue such an endeavour for several reasons. First, I believe the proliferation and recurrence of terrorism despite its moral unjustifiability proves the practical necessity of such research. Second, the paradoxical stance in political science that considers democracies both as passive supporters of terrorism and as the antidote to terrorism encouraged me to investigate such question. Third, the academic gap in normative political theory on the issue encouraged me to pursue such research with the hope of making a valuable contribution to the literature.

One of the preliminary issues that need to be tackled in order to answer the research question was clarifying the meaning of the concept. I restrictively defined *acts of terrorism* as the use of violence and/or credible threat of its use against disengaged civilians in order to spread fear among society in pursuit of a further political objective by coercing political authorities. I took *terrorism* as the continual and repetitive employment of acts of terrorism for the same political pursuit. The definition and the *definiens* unearth certain features and aspects of terrorism such as the tripartite structure in victimization and terrorization. Since terrorism employs violence on some people to scare a wider group in order to coerce political authorities, terrorists have the direct targets to inflict harm, the indirect targets to spread fear among, and the political authority to intimidate or coerce in pursuit of the political objective. The threefold targeting is also visible regarding the different layers of terrorization. The direct victims of terrorism face a total terrorization whereas the indirect victims are terrorized to the degree that they are

deprived of exercising their capacity to deliberate and function as rational political actors in the aftermath of the event. The political authority, on the other hand, is coerced although it can make use of the ordinary rational choice apparatus before making a choice.

In relation to my definition and the targeting of terrorism, I argued that terrorism results in the misrecognition of the human status of the direct targets and the political agency of indirect targets. These moral and psychological injuries correspond to misrecognition in terms of self-confidence and self-respect, respectively, in developmental recognition theory. On the other hand, terrorism poses an ontological threat to society. Apart from its psychic importance to individual development, interpersonal recognition is of essential significance for society to exist. Societies emerge as something distinct from simple aggregations of persons due to intersubjective recognition and relationality. Terrorism also threatens society in the ontological sense by denying agency to certain victims and by hampering the exercising of free and rational agency of others.

I defended an argument that champions healing the moral wounds and constructing a peaceful and reconciled society through satisfying the following normative *desiderata*. First, the theory on the fight against terrorism should be *action-guiding*. It should provide a guiding normative path for real political actors to strive for both in terms of reconciliation and responding to justice claims. Second, it should warrant the *non-recurrence* of terrorism. It should prevent the employment of a practically unsuccessful and morally impermissible form of political violence as a means for the pursuit of political objectives. Third, it should aim at achieving the *uninterrupted continuation of democracy* in the post-transition period.

The argument I have pursued requires a delicate consideration of two significant moral goods; peace and justice. I supported the idea that justice after terrorism combines justice with stable peace that is a state of affairs in which people do not include the possibility of war in their calculations because it is a marginal, negligible possibility. For the normative suggestion on the concept of justice in justice after terrorism, I took just war theory as the initial reference point due to the existence of *jus post bellum*.

After completing my inquiry on the capacity of just war theory's *jus post bellum* to be a theoretical basis for a better-tailored post-terrorism justice conceptualization, I concluded that *jus post bellum* suffer from the problems of applicability and normativity. I argued that the moral rules deriving from just war theory should be restricted to govern the practice of war which are the initiation, the conduct and the termination of warfighting. Therefore, the meaningful contribution of just war theory to justice after terrorism is limited to determining the moral rules for terminating the warfighting against the terrorists, that is *jus ex bello* for terrorism.

This conclusion led me to consider a broader perspective on the justness of transiting from conflict to peace. Therefore, I conceptualized justice after terrorism as an account of transitional justice and laid down the theoretical content of my conceptualization of transitional justice in relation to the nature of the terroristic wrongdoing. In relation to depicting the moral wrongdoing of terrorism from the spectacles of recognition theory, I asserted that what should lie at the heart of remedying the wrongness is the vindication of the misrecognition faced by the victims of terrorism. The vindicatory process lies in recognising the victims' moral worth as human beings and as moral and political agents. The vindicatory process I have suggested that is the re-recognition model allowed me to overcome a mistakenly centralized dispute over truth commissions and war

crime trials in transitional justice literature. The possibility of successfully operationalizing the re-recognition model in both transitional justice institutions brought along the question of how and why we should choose between them. I offered an argument that lies in the constraint of *meionexia*, and the social marginalization to claim that truth commissions should be chosen when terrorism is employed by a social group that is excluded and marginalized and when their political objectives would be considered expressible in a democratic regime. This completed my theorization for the backward-looking aspect of justice after terrorism.

In relation to the social ontological threat that terrorism perpetrates against society, I asserted that the forward-looking aspect of justice after terrorism should be an account of reconciliation. I argued that the Janus-facedness of transitional justice can be fruitfully supported by two distinct but not exclusive accounts of recognition theory. As I have benefitted from the developmental recognition theory in dealing with the psychological and moral injury of the victims of terrorism in the backward-looking aspect of justice after terrorism, I used the social ontological recognition theory for constructing an account of reconciliation for a society that is characterized by terroristic past. By investigating the social ontological significance of recognition, I argued that a transitional society with a terroristic past should aim at a relational transformation that is directed to the ideal of the state of mutual recognition. I constructed the forward-looking aspect of justice after terrorism as a process of the betterment of political relationships directed to the end of establishing the state of mutual recognition. Finally, I have detected an abnormality in the forward-looking aspect of justice after terrorism. Reconciliation is inapplicable for some types of terrorism due to the radicalism of their political objectives.

I argued that if former terrorists still share the radical political objective, they should be de-radicalized through a process of re-pluralization of the political values.

I believe this thesis is a valuable contribution to the literature for several reasons. First, it initiates a discussion by claiming that the fight against terrorism in the broad sense requires a conceptualization of justice after terrorism. Second, it argues that such justice conceptualization should not be restricted with the moral arguments of just war theory. Third, in the course of theorizing such a justice conceptualization, it constructs a recognition-theoretical account of transitional justice that is distinct from the very few recognition-theoretical transitional justice accounts in the literature. Indeed, it is hoped that further theorization of this account will raise more conceptual discussions in the transitional justice literature.

Yet, I shall also acknowledge certain limitations of my theory. First, it lowers the number of applicable cases by adopting a restrictive definition. My conceptualization of justice after terrorism deals with the societies in which the intermittent acts of terrorism render these societies transitional. It excludes for instance the acts of terrorism by lone wolves. Second, although the clandestine cell system and the possibility of dormant cells of terrorist groups is asserted as a reason to refute *jus post bellum*'s applicability to terrorism, my take on *jus ex bello* necessitates attaining at least *de facto* legitimate or illegitimate authority for being able to stop warfighting. Such authority may be inexistent if the cell system of the terrorist group is extremely disperse. Third, as it is acknowledged in the previous chapter, my theory foresees a de-radicalization process for the former terrorist who still embark on their radical political objectives. However, the theory does not explain how just de-radicalization can be pursued. It is hoped that I will have the chance to develop a comprehensive just de-radicalization account in the future works.

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