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The Nature of Peace and the Morality of Armed Conflict

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Terrorism, *jus post bellum* and the Prospect of Peace

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Introduction

According to traditional Just War Theory's *jus ad bellum*, a warring agent must have the right intention, that is, the intention to achieve the just cause by way of a military campaign and that campaign must have a significant chance of succeeding. Contemporary just war scholars focus increasingly on the importance of *jus post bellum*—justice after war—for the legitimacy of military campaigns. Some authors argue that violent agents must have strategies for establishing a peaceful and just rule after military operations cease.[1]

Most recent wars (including military interventions, for example, in Libya 2012) have failed both in their (narrow) political goal of stopping human rights violations, but also in their (wide) political goal of pacifying the respective regions and promoting transitions towards more

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legitimate regimes. And terrorism's 'success record' seems even worse: when has terrorism ever secured a just political cause and led to a lasting peace? Conflicts like that between Israel and Palestine seem to suggest that terrorism perpetuates violence and nothing but worsens political conflicts. With a growing number of random suicide attacks in Europe at the moment, it is tempting to conclude that all that terrorists ever (aim to) achieve is destruction and despair.

The most common moral argument against terrorism is that it directly and deliberately targets innocents or non-combatants. One may or may not agree with this argument.[2] However, quite independently, it would seem to undermine the legitimacy of terrorist campaigns if they were unlikely to secure their (potentially just) cause or to achieve a lasting peace, that is, if their violent campaign would perpetuate violence rather than bring it to an end. Is there something about terrorist violence that makes it more difficult to meet these two criteria?

Let us call 'prospect of success' the *narrow success criterion* and '(achieving) a lasting peace' the *wide success criterion*. A violent group has a solid 'prospect of success' if it has a good chance to secure its just cause. That is, if recurring human rights violations provide a group with a just cause for starting a violent campaign then the just cause is secured if the group's activities bring these rights violations to an end. It is much harder to say what exactly should be meant by a 'lasting peace' and I will discuss this criterion in more detail later. For now, let us simply say that it requires an agent to take positive actions towards political stability, non-violence and minimal justice within the community in which they operate after the violent campaign ends.

Assuming that terrorist actors can, in principle, fight for a just cause (and have in the past fought for just causes) and that they can, in principle, strive for a just and peaceful society, can their campaigns ever meet these criteria?

In other words, does the use of terrorism as such—state or non-state—jeopardize a lasting peace in a way that other violent, for instance, military, strategies do not? Terrorist actors would seem to have greater difficulty than military actors in satisfying the relevant conditions of *jus ad bellum* (narrow success criterion) and *jus post bellum* (wide success criterion) and, consequently, terrorist campaigns

would seem more difficult to justify. In the following, I will address both issues in turn. In doing so, I will leave another important—and in many scholars' view *the most* important—moral challenge to terrorist violence aside: the problem of violence against innocents, non-combatants, or civilians.[3] This problem has been discussed at length elsewhere[4] and at least *some* authors have argued that even direct attacks against members of that group *may* be permissible under certain circumstances.[5]

This chapter tries to answer the following questions:

1. Assuming that at least some terrorist actors pursue legitimate goals or just causes: Is it more difficult for terrorists to achieve their political goals? In other words, is it more difficult for terrorist actors to satisfy the *prospect-of-success* criterion of *Just War Theory*, our narrow success criterion?

2. Second, is it more difficult for terrorist campaigns to lead to a lasting peace, that is, to satisfy the wide success criterion, because of
   a. the method used (in other words, is the terrorist method worse than other violent methods in that it makes certain *jus post bellum* requirements harder to achieve)? or
   b. the agents employing this method (in other words, is it harder for non-state agents to deliver on *jus post bellum*)? Let me narrow down this question: In my view, both state and non-state agents can employ terrorism. The interesting question is whether or not non-state violent agents have greater difficulty in ensuring that their violent campaign leads to a lasting peace than military agents?

Before turning to our main discussion, let me briefly point to another interesting question that may arise in this context but cannot be addressed here. Some scholars, such as Uwe Steinhoff, have argued that violent resistance against oppression need not meet the success criterion in certain cases:

> If the American cavalry in the Indian wars has surrounded a tribe and now wants to slaughter men, women and children, must these refrain

from defence only because it is hopeless, that is, because it would by no means save them?[6]

Steinhoff thinks that those confronting genocidal violence need not refrain from defending themselves when their defense is futile. Rather, Steinhoff argues, self-defense is legitimate even when it is not likely to succeed. It should be pointed out, however, that the case described by Steinhoff is rather different from the kind of cases we are concerned with. Individual self-defense has different moral implications than defensive war. As Christopher Finlay observes, greater standards of care should apply to non-state violent campaigns than to self-defense, because the former often causes the death of innocents.[7] In the following, I will simply assume that we should have a safeguard against using political violence for lost albeit just causes.

Terrorism and *Prospect of Success*

My starting assumption is that at least some violent actors who have employed terrorism have done so to pursue legitimate goals or just causes. This section discusses whether there is something about terrorism that makes it harder for its agents to meet the success criterion. Is it more difficult for terrorist campaigns to satisfy the narrow success criterion than it is for military campaigns, for instance? Some might even ask whether any terrorist violence has ever succeeded in achieving its political goals. I think this question must be answered affirmatively. I will give several historical examples in the sections that follow.

But before we the success criterion, we must clarify what exactly is meant by "terrorist campaign" or "terrorist violence." It is a good starting point to contrast terrorist violence with military violence:

According to Brian Orend,

> [w]ar should be understood as an *actual, intentional* and *widespread* armed conflict between political communities…. it seems that *all warfare is precisely, and ultimately about governance.* War is a violent way for determining who gets to say what goes on in a given territory.[8]

I have discussed the distinction between war and terrorism at length elsewhere.[9] For the purpose of this chapter, let us understand warfare to be "a physical, military method of forcing an enemy" while "[t]errorism aims at people's beliefs, perceptions and actions and is, thus, a fundamentally psychological strategy."[10] Understanding both as distinct ways of employing violence for political ends or, in other words, as different violent political strategies, means that terrorism can form part of a war.

In *Terrorism: A Philosophical Enquiry* I argued that terrorism is an *indirect* strategy for achieving one's goals, where violence (or the credible threat thereof) is used against one target group (direct targets) to influence another target group (indirect targets) by way of the fear or terror induced by the violent attacks against the direct targets. "Terrorist acts are the violent acts that form part of such a strategy."[11] A terrorist campaign is a set of terrorist acts sustained over a specific period of time by a specific (group) agent with a specific goal. This can be a standalone goal or part of a larger campaign. A violent campaign can pursue its goals using different strategies—terrorist, guerrilla or military.[12]

My question is whether there is any principled reason that terrorist campaigns would have more difficulty satisfying the narrow success criterion, that is, whether it is more difficult for actors employing terrorist methods to achieve their political goals than for those using military violence.

Prospect of success is a requirement meant to prevent the use of violence (and the moral harms related to it) for defending lost causes. Its rationale is simple and compelling at first glance: if there is no chance of winning a war then it should not be waged. Why? Because it is wrong to waste human lives and resources for no benefit.[13] What level of probability is required? According to Suzanne Uniacke,

> "Reasonable prospect of success" is not a precise standard and … is intended to allow prudent judgment about how low an expectation is too low… [A] political authority can be justified in resorting to war only if it believes on reasonable grounds that success is significantly more than an outside chance.[14]

As mentioned, the *prospect of success* requirement has been challenged as counterintuitive in some cases. Since I believe the challenge to be unfounded, I will therefore leave this problem aside here.[15] Another challenge is to do with conceptual parsimony. According to this challenge, *prospect of success* is a sub-criterion of *ad-bellum proportionality*, not an independent consideration.[16] This is because if *ad-bellum proportionality* is met, then *prospect of success* is met—the satisfaction of the former entails the satisfaction of the latter. However, we need not worry about this challenge here because it only concerns the relationship between different criteria of Just War Theory as such.[17] If the success criterion is indeed a sub-criterion of proportionality, then failure to meet it will entail a failure of ad-bellum proportionality. Satisfying the former criterion is a necessary condition for satisfying the latter.

Let us now return to our question of whether or not terrorist violence is less likely to meet the narrow success criterion than military violence is. Importantly, the empirical question of whether terrorism has ever achieved (one of) its political goals is to be separated from the principled question of whether it is more difficult for terrorism to achieve its goals.

As to the empirical question, both state and non-state terrorist campaigns have in the past been successful. State terrorism can mean (1) the employment of terrorist methods or the support of terrorist groups *occasionally and for certain purposes*, as was the case with the *Operación Condor* in South America, the *Grupos Antiterroristas de Liberación* in Spain or the US support of the *Contras* in Nicaragua, and (2) the use of terror to *sustain an oppressive political regime* such as Nazi Germany or the Soviet Union during the Stalin era.[18] I will leave aside the second type of state terrorism here, because terror regimes are quite different from kind of terrorist violence I am concerned with.[19]

However, state terrorism of both types has often been successful and so has non-state terrorism: Some would argue that the Zionist organization *Irgun* was successful in undermining British rule in Palestine in the 1940s and therewith contributed to the creation of a Jewish state.[20] The West-German *Red Army Faction* (RAF) violence had a catalyzing effect on West-German society and democracy, shaking up the rigid political establishment and forcing an overdue critical discourse onto a

society, which had turned away from its Nazi past without sufficiently confronting the crimes committed. The 2003 Madrid bombings arguably lead to a regime change in Spain and the subsequent withdrawal of Spanish troupes from Iraq. Palestinian terrorism against Israel has been successful at least with its short-term political goals of drawing attention to the Palestinians' plight and shifting the discourse from the humanitarian aspect of the problem to that of liberation and self-determination.[21]

What about the principled question concerning terrorists' prospect of success? The terrorist method consists in exploiting fear in order to achieve (political) goals. Terrorism requires an audience to shock, intimidate and coerce, and it functions indirectly by influencing attitudes, beliefs and behaviour.[22] It is a way of communicating a—more or less clear—message to its indirect targets, but also to potential sympathizers. As Christopher Finlay argues: "An attack might impress or inspire the constituency in the name of which the terrorists claim to act."[23]

Insofar as terrorism is used to violently communicate a particular political message, it is in principle very likely to succeed merely because of the relative modesty of its goal and the attention-generating nature of terrorist acts. In other words, terrorist violence is an effective way of attracting attention for a political cause. In the past, terrorist strategies have been employed towards a variety of ends, including demoralizing governments and their supporters, challenging a government's effectiveness and demonstrating its vulnerability, often by "undermining its claim to be able to maintain basic levels of security for those it claims to protect."[24] Sometimes they have involved more concrete goals such as demanding the release of prisoners, the withdrawal of troupes or—in the long term—political independence of a nation or a community. However, insofar as terrorist campaigns aim at tangible political change, as an indirect method terrorism may well be less likely to succeed than direct (military) campaigns. More complex and long-term goals such as self-determination for peoples like the Palestinians or the Basques seem to be significantly less likely to be achieved by the use of terrorism alone.[25] This means that they are not justified in resorting to terrorism, despite arguably having (had) a just cause.

Terrorism and *jus post bellum*

Let me now turn to the wide success criterion. Larry May, one of the protagonists of recent debates surrounding justice after war, argues that *jus ad bellum* and *jus post bellum* are not entirely independent:

> certain *jus post bellum* considerations, such as the duty to rebuild, can affect the *jus ad bellum*, at least understood broadly to include likelihood of success. If there is a duty to rebuild on part of the victor, then war should normally not be initiated unless State A has the means and will to rebuild the vanquished State B's infrastructure that will be damaged by State A's military actions.[26, 27]

In other words, an agent is not justified in resorting to war unless they are likely to be able to deliver justice after the war, that is, after violent hostilities are over. May argues that "[t]he proper moral answer to the question 'why do we fight' must be 'to achieve peace'."[28] and that "[i]f the object of war is a just and lasting peace [the only legitimate cause for war, according to May, A.S.], then all of Just War considerations should be aimed at this goal."[29]

If applied to terrorist violence, this would mean that a terrorist actor could never be fully justified in resorting to terrorism unless they are able to satisfy (at least some of the) *jus post bellum* criteria. The claim that *jus ad bellum* and *jus post bellum* are linked in this way is worthy of discussion, but cannot be debated here.[30] But quite independently, we can discuss the question of whether or not terrorist actors have greater difficulty than other violent actors to satisfy *jus post bellum* requirements as such.

According to May, it is important to distinguish the justice of ending war (*jus ad terminationem belli)* from the justice after war (*jus post bellum*). The former is more concerned with regulating the end of violent hostilities while the latter focuses on (re)establishing lasting peace. May identifies six *jus post bellum* requirements, which aim at creating a just and lasting peace:

(1) rebuilding; (2) retribution; (3) restitution; (4) reparation; (5) reconciliation; (6) proportionality[31]

He adds, "for a just peace to ensue, these principles must all be met, at least to a certain extent."[32] It is important to note that May does not think that these requirements apply to one of the conflicting parties alone. Both previously warring parties must work together to achieve peace. The victor has some duties regardless of whether or not he was the aggressor or defender[33] and even a "defending vanquished state may have duties of restitution and repair." Both just and unjust actors must work towards reconciliation.[34]

Assuming that at least in some cases terrorist violence is employed with the aim of establishing a just and lasting peace, is this goal more difficult to achieve for terrorist actors? How can the six *jus post bellum* criteria be relevant to terrorist campaigns? Let us consider the possibility of a successful campaign with a clear political goal—such as granting independence and self-determination a particular people or nation (we could imagine that Euskadi Ta Askatasuna's (ETA) campaign in the Basque Country had been successful).

It is not clear that all criteria of justice after *war* should equally apply to justice after a terrorist campaign. First and foremost, the line between "war" and "peace" is seldom a clear one when it comes to terrorist campaigns. In fact, terrorist violence regularly exploits precisely this lack of delineation, conducting acts of violence in times of peace when they are least expected and most disturbing. However, terrorist organizations have in the past formally declared their violent campaigns to be ended—e.g., ETA did this in 2011. Second, the amount of destruction and the sheer quantity of violence are significantly lower for most terrorist campaigns compared to military ones, rendering the problems of rebuilding and reparation less relevant. Let us therefore focus on the one aspect that will be relevant to achieving a just and lasting peace in the aftermath of most—if not all—terrorist campaigns: *reconciliation* will be crucial for any peace process.

May puts forward the following principles of reconciliation, roughly:

- an obligation to treat people with equal basic respect regardless of which side they were on; and
- "an obligation to initiate and conduct war in such a way that one does not unduly antagonize the people with whom one will eventually have to reach a peaceful accord."[35]

I am particularly interested in the second principle of reconciliation here. This principle points back to *jus ad bellum* and *in bello* and suggests that what it means to have in mind a lasting peace is to make an effort from the outset to not antagonize people unduly.[36] Of course, a lot depends on what is meant by "unduly" here and May admits that this needs further specification and cannot be determined outside a particular context.[37]

Is reconciliation more difficult to achieve for terrorist actors due to the methods they employ? The first thing to note is that terrorism is usually defined as violence against non-combatants, innocents or civilians. While I have argued against this so-called narrow definition, defending instead a wide definition of terrorism, which includes acts perpetrated against non-innocents,[38] it remains true that much terrorism does directly target those who have not forfeited their right not to be attacked. This in itself would make it very difficult for terrorist actors to adhere to the second principle of reconciliation introduced earlier: terrorists seem to conduct their violent struggle in a way that usually does antagonize those with whom they are aiming to reach an accord. In the context of terrorism in support of self-determination, these would be the people both in the country from which the terrorists wish to secede as well as those within their own territory and community who do not necessarily support the terrorist aims but with whom the violent actors will have to live.

Reconciliation, then, is probably more attainable to terrorist agents who do not use violence against innocents or civilians. This is the case if violence is only directed at non-innocents or against infrastructure and property, without physically harming humans at all. Some may argue that this would no longer constitute terrorism. I think that terrorism as a strategy as described previously can well be employed with so-called non-innocents as the primary or direct targets of violent

acts. One example for this kind of terrorism is the Argentinean group *Montoneros*, who in the 1970s targeted above all members of the government and administration as well as people who represented foreign commercial interests in the country.[39] The South African *Umkhonto We Sizwe* (MK) seem to have generally adhered to the principle of discrimination and were mostly engaged in acts of sabotage. In 1980, together with the ANC, MK even signed a declaration to conform to the Geneva Conventions of 1949 and Protocol 1 of 1977. The Basque ETA usually issued warnings ahead of bomb attacks with a view to minimizing harm to human lives. Furthermore, according to Peter Townshend

> Its use of indiscriminate attacks remained sparing (though, as in the bombing of Madrid airport and railway stations in July 1979, still very shocking). Overall, its targeting was focused primarily on the Guardia Civil and the police. It showed a marked preference for the use of comparatively accurate weapons – small arms rather than explosives – and a determination repeatedly to attack high-ranking officials and officers, the highest being Admiral Carrero Blanco in 1973, and others, including the military governors of Madrid and Guipúzcoa in 1979.[40]

Terrorism, understood as a method involving selective high-impact attacks, is by its very nature more discriminating than military operations. Gaining territorial and political control over one's enemy will subjects military actors to much greater strategic necessities.

Because war aims at controlling a territory, its agents can often not be too discerning about individual manoeuvres. The terrorist agent need not worry about the demands of military and strategic necessity and is certainly more flexible when it comes to operational and tactical matters. She can be highly selective of her targets. In fact, because she chooses her targets so carefully as to maximize her actions' visibility, she is by necessity discriminating (which is different from saying that she adheres to the principle of discrimination). This commonly means that terrorist actors choose to target innocents, but it need not mean that.

Finally, terrorist agents regularly engage in some kind of public discourse over their aims and seek to explain their actions to the general public, usually with the aim of eliciting attention for what they perceive

to be a morally just struggle or sometimes even to generate sympathy. Terrorists often seek to convince rather than to conquer. In fact, I believe that engagement in public discourse of this kind is crucial to the overall legitimacy of terrorist and other non-state violence. In *Terrorism: A Philosophical Enquiry,* I argued that

> Before resorting to violence, an agent *X* must make her objectives known to the general public and must provide a justification for the employment of violence. She must expose herself to a critical debate of those goals and their justifying principles. This condition averts the abuse of violence by misled and ignorant persons. It furthermore ensures that the violent campaign is endorsed by those on whose behalf it is being led. It forces the terrorist actor to relate to the moral and political mindset of the society in which she lives and which she will impact with her violent campaign. The discourse-condition keeps socially and morally detached individuals from employing terrorist violence, those who, owing to their alienation from their surroundings, misjudge the necessity to induce political change violently.[41]

In sum, there is no principled reason why terrorist violence would threaten reconciliation *more* than other forms of political violence. That is, unless one believes that terrorism involves—by definition—the direct targeting of innocents. Possibly, there are few things that will antagonize people more than attacks on those who rightfully believe themselves to be immune from violence. It should be noted, however, that contemporary military campaigns take a much higher toll on human life than terrorism, including innocent lives. Some might say that military violence at least does not directly target innocents, but rather incidentally (and sometimes accidentally) causes innocent fatalities. Even if there is a moral difference between intentional attacks on innocents and incidental attacks (see Schwenkenbecher 2014), it seems fair to say that contemporary warring agents would struggle greatly to satisfy May's reconciliation criterion.

Is it more difficult for terrorist campaigns to achieve reconciliation due to the *kind of agents* employing terrorism? In particular, do non-state violent agents have greater difficulty in realizing that goal, which, according to May, is instrumental to a lasting peace?

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It may sound surprising, but I believe that terrorist actors might be better placed than military actors to deliver on *jus in bello* discrimination (therewith providing the basis for reconciliation) for several reasons. First, members of terrorist groups tend to be unified by a common (usually ideological) aim much more than members of a military organization. Intrinsically motivated agents would seem better suited to enact the group's decisions in a way that is true to its goals. In other words, they are less likely to go "off the rail" and act against the group's adopted aims. If the group has adopted a strategy of discrimination, its members would usually be intrinsically motivated to adhere to that strategy.

Second, terrorist groups usually operate under better epistemic and psychological conditions than military agents. Operating in hiding, with all its uncertainties, would allow for better decision-making than the midst of a battlefield. War's complexities generate epistemically and psychologically challenging conditions and decisions must often be made under great pressure. While the terrorist is in fear of being arrested, those partaking in war will fear to lose their lives. By avoiding the battlefield, terrorists eliminate the impact that fearing for one's life tends to have on one's decision-making (and those terrorist actors who pay for an attack with their life have often made a conscious decision to do so).

In sum, terrorist campaigns are not in principle less likely to secure (or contribute to) lasting peace than military campaigns, in particular if their violent attacks are discriminate and accompanied by an engagement in public discourse. To the extent that the level of destruction they bring about is significantly lower for terrorism than it is for war or military intervention, they may even be better suited to fostering lasting peace.

Conclusion

In this final section, I will make a few comments regarding the prospect of peace as such. May subscribes to a contingent pacifism and holds the view that most wars should not be waged. Richard O'Meara, in contrast, argues that "peace is not a condition, but an ongoing process" and that "*lasting peace* is often an elusive goal."[42] Is it too much to ask of a

violent actor that she achieve that goal? *Jus post bellum* would indeed appear to be overly demanding if it required that violent agents only wage war if they can guarantee something that many political communities cannot guarantee their citizens. If non-state violent agents (terrorist or not) can significantly improve the political conditions in a given community, while falling short of establishing a lasting peace, this should arguably suffice. If peace is indeed a process, their campaigns could in principe – as odd as this may sound – contribute to that process.

Moreover, the duty to establish a peaceful and just regime in the aftermath of a violent conflict does not pertain to the violent actor(s) alone, as May argued. For terrorist campaigns this means that after the violence ceases, be it because the terrorists gain political power (as in the ANC's case) or because they achieve their political goal (while remaining clandestine) or because they give up (as in ETA's case), all conflict parties, not only the victors, must contribute to reconciliation, restitution and rehabilitation.[43, 44]

In conclusion, there appears to be little reason to believe that terrorist campaigns are in principle less able to secure or at least contribute to a lasting peace than military campaigns; quite to the contrary. Or, put differently, if terrorism is an unlikely method for securing peace, then war is an even more unlikely one.

Notes

1. May (2012), May and Forcehimes (2012), May and Edenberg (2013), Orend (2006), Patterson (2012).
2. I, in fact, do not agree either with the view that terrorism is necessarily (that is, per definition) violence against innocents or non-combatants (see Schwenkenbecher 2012, 30ff) or with the view that violence—military or terrorist—against innocent or non-combatants is always morally wrong (ibid, chapter 5).
3. While these terms are not interchangeable, scholars have drawn the lines between them in different ways and all three terms have been used in the debate. All three terms roughly stand for "those who have done nothing to forfeit their right not to be attacked."

4. E.g. Coady (2008), Steinhoff (2007).
5. Schwenkenbecher (2012), Primoratz (2007), Honderich (2003), Held (2004).
6. Steinhoff (2007, 29).
7. Finlay (2015, 129).
8. Orend (2008).
9. Schwenkenbecher (2012, 41ff).
10. Ibid., 41.
11. Ibid., 38.
12. For comprehensive discussions on the definition of terrorism, see for instance Nathanson (2010), chapters 1 and 2; Messelken (2005).
13. See e.g. Orend (2006, 58f).
14. Uniacke (2010, 70).
15. For my response to Steinhoff see Schwenkenbecher (2012, 97). See also Hurka (2005).
16. See for instance Finlay (2015, 131), Schwenkenbecher (2012, 98), Hurka (2005), Steinhoff (2007).
17. In my view, the narrow success criterion does not involve any assessment of the moral acceptability of the goals. It is, in this sense, a purely "technical," that is, morally neutral, criterion. However, I will not argue for that here. The wide success criterion, in contrast, is morally charged, as it presupposes a certain kind of—morally worthwhile—goal. See also the discussion in Toner (2010).
18. For a detailed discussion of state and non-state terrorism, see Schwenkenbecher (2012, 21ff). See also Primoratz (2004).
19. Schwenkenbecher (2012, 29f).
20. For a more detailed discussion of Irgun, see Shughart (2006), Hoffman (2006), Townshend (2002).
21. For an excellent discussion of this conflict, see Primoratz (2013, 148ff). I agree with Primoratz' assessment that Palestinian terrorism has failed to achieve its long-term political goals.
22. Schwenkenbecher (2012, 38ff).
23. Finlay (2015, 251).
24. Ibid., 251.
25. Sadly, terrorist campaigns tend to be enormously successful at securing "negative" aims such as destabilizing a political system, undermining public order and safety, and curtailing basic liberties. However, I would regard these as short-to-mid-term goals, usually meant to promote

some long-term goal that signifies a positive political outcome for the group (independence, ending occupation and interference, triggering an uprising against the existing political order).

26. May (2012, 15–16).
27. Similarly, Todd A. Burkhardt argues for "incorporating jus post bellum obligations into a state's reasonable chance of success calculation" (2013, 120).
28. May (2012, 12).
29. Ibid., 13.
30. This question has been debated for instance in May (2012), Bass (2004), and Pollard (2013). A rejection of the 'dependence thesis', that is, the thesis that the *jus ad bellum* depends on *jus post bellum* can be found in Pattison (2015).
31. May (2012, 19–21).
32. Ibid., 22.
33. Ibid., 17.
34. Ibid.
35. Ibid., 96.
36. This points back to the discussion of the relationship between the different sets of Just War criteria. Similar to May, Toner (2010, 96) argues for the interdependence of *jus in bello* with *ad bellum*, arguing that *in bello* 'right intention' mirrors the *ad bellum* right intention criterion (that the war be led with the end of a just peace in mind).
37. May (2012, 96).
38. Schwenkenbecher (2012, 30ff).
39. Shughart (2006).
40. Townshend (2002, 84).
41. Schwenkenbecher (2012, 104–105).
42. O'Meara (2013, 107).
43. May (2012).
44. Some authors even argue that *jus post bellum* ought to be taken care of by the international community if need be, on the basis of principles of global justice. James Pattison defends in particular the duty to rebuild institutions is "an international, collective duty to promote and establish just political institutions" (2015, 12) in the aftermath of war. According to Pattison, "there should be a presumption against belligerents rebuilding. … [O]ther agents may be in a better position to rebuild. This seems to be particularly the case for post-war

occupation, when the warring parties' involvement in the conflict can lead to significant antagonism among the local population and therefore mean that effective rebuilding may be difficult … Instead, it seems that the rebuilding process should not only be authorized by the UN Security Council, but also generally be carried out by it (for example, by UN peacekeepers or a UN transitional administration)." (2015, 24) However, this point seems less relevant for terrorist violence.

References

Bass, Gary J. 2004. Jus Post Bellum. *Philosophy & Public Affairs* 32 (4): 384–412.

Burkhardt, Todd A. 2013. Reasonable Chance of Success: Analyzing the Postwar Requirements of Just ad Bellum. In *Routledge Handbook of Ethics and War*, ed. Fritz Allhoff, G.Evans Nicholas, and Adam Henschke, 120–131. Abingdon, OX: Routledge.

Coady, C.A.J. (Tony). 2008. *Morality and Political Violence.* Cambridge: Cambridge University Press.

Finlay, Christopher J. 2015. *Terrorism and the Right to Resist*. Cambridge: Cambridge University Press.

Held, Virginia. 2004. Terrorism, Rights, and Political Goals. In *Terrorism: The Philosophical Issues*, ed. Igor Primoratz, 65–79. Hampshire: Palgrave Macmillan.

Hoffman, Bruce. 2006. *Inside Terrorism*. New York: Columbia University Press.

Honderich, Ted. 2003. *After the Terror*. Edinburgh: Edinburgh University Press.

Hurka, Thomas. 2005. Proportionality in the Morality of War. *Philosophy & Public Affairs* 33 (1): 34–66.

May, Larry, and Andrew Forcehimes (eds.). 2012. *Morality, Jus Post Bellum, and International Law*. New York: Cambridge University Press.

May, Larry, and Elizabeth Edenberg (eds.). 2013. *Jus Post Bellum and Transitional Justice*. New York: Cambridge University Press.

Messelken, Daniel. 2005. Terrorism and Guerrilla Warfare—A Comparative Essay. In *Ethics of Terrorism and Counter-Terrorism*, ed. Georg Meggle, 51–68. Frankfurt am Main: Ontos.

Nathanson, Stephen. 2010. *Terrorism and the Ethics of War*. Cambridge: Cambridge University Press.

O'Meara, Richard M. 2013. Jus Post Bellum. War Closure in the 21st Century. In *Routledge Handbook of Ethics and War: Just War Theory in the 21st Century*, ed. Allhoff Fritz, G.Evans Nicholas, and Adam Henschke, 105–119. New York: Routledge.

Orend, Brian. 2006. *The Morality of War*. Ontario: Broadview Press.

———. 2008. War. In *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), ed. Edward N. Zalta. http://plato.stanford.edu/archives/fall2008/entries/war/.

Patterson, Eric (ed.). 2012. *Ethics Beyond War's End*. Washington, DC: Georgetown University Press.

Pattison, James. 2015. Jus Post Bellum and the Responsibility to Rebuild. *British Journal of Political Science* 45 (3): 635–661.

Primoratz, Igor. 2004. State Terrorism and Counter-terrorism. In *Terrorism: The Philosophical Issues*, ed. Igor Primoratz, 113–127. Hampshire: Palgrave Macmillan.

———. 2007. A Philosopher Looks at Contemporary Terrorism. *Cardozo Law Review* 29 (1): 33–51.

———. 2013. *Terrorism. A Philosophical Investigation*. Cambridge: Polity.

Schwenkenbecher, Anne. 2012. *Terrorism: A Philosophical Enquiry*. Hampshire: Palgrave Macmillan.

Schwenkenbecher, Anne. 2014. Collateral Damage and the Principle of Due Care. *Journal of Military Ethics* 13 (1): 94–105.

Shughart, William F. 2006. An Analytical History of Terrorism, 1945–2000. *Public Choice* 128 (1–2): 7–39.

Steinhoff, Uwe. 2007. *On the Ethics of War and Terrorism*. New York: Oxford University Press.

Toner, Christopher. 2010. The Logical Structure of Just War Theory. *Journal of Ethics* 14 (2): 81–102.

Townshend, Charles. 2002. *Terrorism*. Oxford: Oxford University Press.

Uniacke, Suzanne. 2010. Self-Defence, Just War and a Reasonable Prospect of Success. In *How We Fight. Ethics in War*, ed. Frowe Helen and Lang Gerald, 62–74. Oxford: Oxford University Press.

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