

Conflict Management, Transitional Justice and De-radicalization – Different, but common goals

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Abstract

The aim of this working paper is to explore common issues between the process of reconciliation in post-conflict societies, negotiations and the renouncement of violent means. This paper brings forward the argument that reconciliation, negotiations as well as disengagement or de-radicalization processes are important for a non-violent communication between extremists and the society they should re-integrate. Re-opening communication channels after terrorist violence can help to build trust and chance former conflict party's mindsets. Comparing the principles of victim-oriented instruments of transitional justice to the disengagement process of perpetrators demonstrates some reasons for successful collective disengagement. Furthermore, especially amnesties, ore milder punishment are important incentives for negotiations and disengagement. This is often evaluated as unjust by victims and may suppress a further truth-finding process. Choosing completive restorative justice instruments like public apologies and public discussions in truth-finding processes can increase justice for victims and makes de-radicalization processes more lasting.

Keywords: disengagement; de-radicalization; reconciliation; negotiations; amnesties

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1. Connecting negotiations, transitional justice and disengagement

"If no one talks, from where do we expect peaceful initiatives?" (Brannan et al. 2001: 14)

Following the so-called "war on terror", the idea of bringing members of terrorist groups "to justice" was highly popular. Temporarily it was ignored that this resulted not only in the death of accused actors, but also in their lifelong imprisonment. A new problem emerged: How dealing with imprisoned terrorists? "When added to the possibility that, upon release, an imprisoned terrorist may rejoin a terrorist organization and reassume his or her position, it is easy to see why the revolving door of terrorism has become such a significant problem." (Lankford & Gillespie 2011: 119). Therefore, growing interest in rehabilitating and disengaging former terrorists emerged.

Differentiating from criminal prisoners, radicalized individuals need other forms of rehabilitation programs which take into account their radical conviction. This awareness is guided by the finding of new opportunities and new roles for former terrorists who play potentially an important role for the prevention of further recruitments by other extremist groups (Bjørgo & Horgan 2009: 1; Clubb 2014, 2016).

In large part, academic research concentrates on individual processes for ameliorating rehabilitation and disengagement programs (cf. Mullins 2010: 166). This is quite important, but this paper will focus on the interdependence of individual and collective disengagement and de-radicalization processes.

Following Pecastaing (2011), terrorist violence functions as a replacement for a missing peaceful discourse on political issues – in other words: terrorism is a violent way of communication (Pecastaing 2011: 170; see also Schmid 2014: 2 f.). From this perspective, reconciliation, negotiating as well as disengagement can be seen as possibilities to channel this former violent communication again to constructive and peaceful means and re-opening closed communication channels. Being cut from the society they belong to, extremist individuals need to be reintegrated into this social network during their disengagement process.

The aim of this working paper is to focus on this re-opening of communication through reconciliation, negotiations and (collective) disengagement with special focus on violent Islamist groups. Research on all three subjects picks up issues of reconciliation, negotiations or de-radicalization. Caused by the interconnectivity of all three subjects, the lines between

the different topics are blurring in some cases. Therefore, this article is situated between terrorism studies, conflict studies and research on disengagement and de-radicalization processes. Research on disarmament, de-mobilization and re-integration (DDR) takes a similar perspective with the end-goal of integrating former combatants into state structures and civil society (on DDR see for example (Knight & Özerdem 2004; Phayal et al. 2015).

Furthermore, Alex P. Schmid criticizes, that after terrorist attacks and counter-terrorism measures the general public as well as academic researchers on both issues focus on terrorist offenders and overlook their victims (Schmid 2012: 1). This lack should be reflected in this paper in combining disengagement and reconciliation.

Therefore, the following chapters are underlining the differences and common goals of all three concepts. In a first step I want to present the key features of reconciliation, negotiations and disengagement/de-radicalization. In a second step I want to discuss their parallels and interconnectivity through shared conceptual problems and controversial instruments like amnesties.

2. Concepts

2.1 Reconciliation

Although issues of transitional justice were known before, the academic discussion around the concept started in the 1990s, especially under the influence of the Truth and Reconciliation Commission (TRC) in South Africa. At first it was more common to use the term *truth-and-reconciliation* under the influence of the high hopes on the TRCs, but soon these hopes dampened and another term became more influent: *transitional justice*. The narrow justice-oriented concept widened fast, including also reconciliation and truth-seeking (Buckley-Zistel & Oettler 2011: 25).

Today, the aspects of criminal justice through the International Criminal Court (ICC) and cooperation between local and international courts see their revival after disappointment about insufficient political instruments at the end of the 1990s (Buckley-Zistel & Oettler 2011: 27). Although reformed for example by the increasing recognition of sexualized violence, transitional justice is still connected to two issues: reconciliation after civil wars and the transition from an authoritative to a democratic regime.

At its core, transitional justice embraces two components: retributive/punitive and restorative justice.² These different components are connected to two ways of dealing with rule-breaking, in controlling future behavior through deterrence or in restoring justice in a moral sense (Wenzel et al. 2008: 378).

Retributive justice includes the individualized idea of guilt, focus on juridical justice and criminal courts. On the other hand, restorative justice reflects a wider concept of justice, whose goal is not material compensation, but "healing" social relations and reunifying the post-conflict society. Violence does not take place against the law but against personal relations (Buckley-Zistel & Oettler 2011: 28 ff.).

Reconciliation, as part of restorative justice, comes from a deep religious Christian background and is in its root based on the emotional reconciliation after harm (cf. Buckley-Zistel & Oettler 2011: 31). In a different interpretation, reconciliation is a political instrument after extreme violence for improving social relations between former conflict parties which makes it practical for other religions and non-western cultures (ibid.). Restorative justice and reconciliation have in common the idea, that conflicts have their roots between victim, offender and the broader community (Wenzel et al. 2008: 378). Therefore, reconciliation embraces both individual processes like forgiveness or apologies, and group-related, societal development like forming and transforming a collective memory (Govier & Verwoerd 2002).

The norms of transitional justice and reconciliation are developed under the impression of civil wars, regime changes, or state terror. Less covered in the academic discussion is reconciliation after terrorist attacks. Few authors ask why transitional justice instruments recognize the need for social healing after state terror, but not after sub-state terrorism (Humphrey 2012: 51; Renner & Spencer 2012a). For Renner/Spencer (2012) this omission seems questionable since both state terror and terrorism indicate a deeply divided society in need of reconciliation and for overcoming a vicious circle of terrorist violence and counter-terrorism measures (Renner & Spencer 2012a: 1 and 7).

They pick up different arguments against reconciliation with violent groups. For example, from a pragmatic perspective, terrorist groups are seen as too small compared to rebel groups in civil wars. Therefore, a stalemate resulting from conflict symmetry between government

² Some researchers like Gibson (2002) name additional forms like distributive and procedural justice.

and terrorist group seems impossible. Being less integrated into society than rebel groups, terrorist groups are expected to be beaten easily (Renner & Spencer 2012a: 7). Renner/Spencer and Harmonie Toros criticize this perspective because they still see violent groups as representative (Toros 2008; Renner & Spencer 2012b; Toros 2012). Reducing a violent group on its terrorist attacks ignores other important features like its financing, justification and legitimation to active and passive supporters (Moghadam et al. 2014: 3). Eliminating these groups may solve the short-term conflict, but not the fundamental problem and may create subsequent violent groups. Reconciliation, therefore, should help reintegrating violent groups in a society and help to channel their demands by non-violent means (cf. Renner & Spencer 2012a).

2.2 Negotiating with terrorists?

Following Stacie L. Pettyjohn, six policies towards violent groups are possible. These are reassurance, appeasement and engagement, whom she calls *soft-line* strategies, or deterrence, containment and coercion (as *hard-line* strategies) (Pettyjohn 2011: 140). Engagement and other soft-line strategies are supposed to prevent conflicts and socialize violent actors to a set of norms in the long term. By contrast, hard-line strategies are supposed to deter and check aggressions (Pettyjohn 2011: 140). Therefore, engagement and the socialization to a (western, democratic and liberal) set of norms works not only for violent groups, but also " (...) with dissatisfied rising powers, rogue nations defying international law, and states that violate their citizen's human rights." (Pettyjohn 2011: 141).

Other authors like Harmonie Toros (2012) and Carl Miller (2011) emphasize the civilizing and violence-reducing effect of negotiations with regard to terrorist violence. Groups do not reach their goals through attacks, but by abandoning violence and engaging in non-violent processes like negotiations and later democratic processes. Throughout negotiations, working as civilizing institutions, a set of norms and values is established which binds legitimacy to preconditions and a non-violent pattern of behavior (Miller 2011).

With regard to the possibility and practicability of negotiations, one can find at least three different positions in the academic literature: first, older positions rejecting any form of talking to violent groups, especially those closely connected to the "war on terror" and the

following focus on Islamist terrorism. Representatives of this no-talks-paradigm put forward that terrorist violence itself is an obstacle for negotiations because it produces fear and erodes trust (cf. Ghosn 2010: 1060 f.). Additionally, terrorist attacks in other countries are interpreted as increasing the group's scope of targets by including other nations, which signals a radicalizing position – and lowers the expectations for non-violent engagement (Pettyjohn 2011: 152).

Al-Qaida and affiliated groups, particularly after the 9/11 attacks, served as a typical type of "modern" terrorism with all characteristic features that make engagement impossible. The group was not bound to a particular homeland and spread worldwide, it had no clear hierarchic structure with tangible leaders, and particularly the group pursued nihilist goals (Hoffman 2006; Pruitt 2006; Neumann 2007; cf. Cronin 2009; Jones 2015). Notably its ideology based on religious – and therefore non-political – issues is estimated the highest obstacle for negotiations (and also for reconciliation and disengagement). One may bargain on political demands, but not on religious issues. Additionally, it is expected that terrorist violence lies at the heart of the group's identity and makes communication with both supporters and the 'enemy' possible.

From a second position, talks or negotiations are part of counterterrorism *strategies* and seen as continued fighting with different means (Cronin 2009: 36 f.). Although still skeptical and rather pessimistic, researchers and practitioners underline some advantages of engaging with violent groups. Negotiations may not bring an end to the violence, but help collecting information about group leaders, individuals and especially group dynamics for splintering and ending the terrorist organization (Cronin 2009: 37 f.). Hence, they allow building leverage on the group.

One major problem of both negotiations and reconciliation is the question if violence must be given up before the engagement starts or if the abundance of violent means is part of the process itself, serving as bargaining strategy (Cronin 2009: 71 f.)?

Problems frequently described in literature of negotiations with violent groups are questions of reliability or trust before and during talks, high costs and spoilers for the process. I want to start with the issue negotiations and trust or the question how sustainable engagement is. This includes also the question of why negotiations are started. This may be for reasons of solving a conflict and finding a peace agreement (long-term calculations), but there are also short-

term calculations evident. These are for example gaining time for re-arming and re-structuring or collecting information (Cronin 2009: 37 ff; Ghosn 2010: 1057 f.). Following Ghosn (2010), these short-term calculations are "deceiving negotiations" which intend the failure of the whole process and help weakening calls for peaceful means (Ghosn 2010: 1058).

Second, the question how negotiations are implemented arises. Conflict Management theory provides a number of concepts which also fit for negotiating with groups using terrorist violence. Amongst others, these concepts concern the timing, the viability or inclusiveness of talks and their susceptibility to spoilers.

For example, clandestine or back-channel negotiations (BCN), hidden from the public may help to solve some criticized risks like the recognition of and concessions for violent groups (Pruitt 2006; Wanis-St. John 2006; Pruitt 2008). Additionally, national and international laws my forbid any form of contact to terrorist groups. Secret channels are therefore used to avoid legal or political consequences of direct engagement (Pettyjohn 2011: 142). Hidden contact is possible by intelligence service or intermediaries and can be plausibly denied, if the negotiations fail (Wanis-St. John 2006; Pruitt 2008: 38; Byman 2009; Pettyjohn 2011: 143). Another advantage is that costs are lower especially for democratic governments in engaging with violent groups. Furthermore, channeling talks in negotiations or pre-negotiations help to find common stances and prepare further political discussions (Pettyjohn 2011: 142).

Another important advantage of BCN is the exclusion of groups, factions or individuals who are part of the negotiation process, or outside, and who want to disrupt the process (Stedman 1997: 7 f; Olson Lounsbery & Cook 2011: 76). At the same time, herein lies the most vulnerable disadvantage of relying too much on secret talks. Excluded factions are able to spoil secret negotiations if their existence is known publicly. At the same time, negotiating parties miss the opportunity to build up consensus for the talks between their followers. This is important especially for democratic governments who need the support of their societies and are obliged to integrate non-violent groups equally (Wanis-St. John 2006: 138).

The third position towards talks includes positions from critical terrorism studies. Although research is based on different methods, authors go further from mere conflict management by negotiations to a conflict resolution. Negotiating or talking with violent groups (cf. Toros 2008) should result not only in changing the violent means that are used but also in

transforming government and society. This point of view is founded on a different assumption on terrorist violence as sign of structural power imbalances (Toros 2012: 21 f.).

2.3 Disengagement and De-radicalization

Without the abandoning of violence and extreme thinking, neither reconciliation nor negotiations are possible. This last subchapter picks up some relevant ideas of disengagement and de-radicalization, their different levels, and the discussion about Islamist disengagement.

The way towards extremism seems clear: "At the most basic level, radicalization can be defined as the process whereby people become extremists." (Neumann 2013: 874)

Rabasa et al. define *disengagement* as "(...) the process of changing one's behavior by refraining from violence and withdrawing from a radical organization." (Rabasa et al. 2011: 5). Other definitions go further:

"Disengaging might suggest critical cognitive and social changes, in terms of leaving behind the shared social norms, values, attitudes and aspirations so carefully forged while the individual was still a member of a terrorist network." (Horgan 2008: 4)

Therefore, disengagement has physical and psychological dimensions (ibid.). Physical disengagement can occr after being captured and imprisoned or by *role change* (cf. (Horgan 2008: 5). This still means active support for an extremist group, without being directly involved in terrorist attacks (ibid.). Rabasa et al. criticize this as not being actual disengagement since the group is still willing to use violent means and the individual does not clearly break away (Rabasa et al. 2011: 5). For the same reason, Rabasa et al. reject conditional or selective disengagement which mean attacks only on "legitimate targets" like military personnel (Rabasa et al. 2011: 6).

In short, disengagement includes changing individual or collective behavior or instruments from violent to peaceful means whereas de-radicalization points to the change of fundamental belief (Rabasa et al. 2011: 6). "Deradicalization, therefore, is the process of abandoning an extremist worldview and concluding that it is not acceptable to use violence to effect social change." (Rabasa et al. 2011: 1–2)

Therefore, both processes, disengagement and de-radicalization are dependent on the successful change of an extremist identity: "(...) identity, identity strength and identity change at personal and social levels will be crucial in facilitating these processes." (Ferguson 2016: 4) Additionally, Katie Barelle describes disengagement as transforming an extremist identity from being outsider to re-connecting to a community (Barelle 2015). Disengagement is always connected to reintegration, which is important for binding disengagement to other concepts like transitional justice or DDR.

In the academic discussion, de-radicalization and counter-radicalization are often used in similar ways. Here, I want to follow Luke Bertram and distinguish counter-radicalization from de-radicalization as broader concept including different programs and the goal to build up a counter-narrative to extremist ideas, whereas de-radicalization is an individual process (Bertram 2015: 122 ff.).

This distinction points at two levels for disengagement and de-radicalization: collective and individual processes. Particularly individual disengagement or rehabilitation programs for Islamist extremists are well-known from Middle-Eastern countries. Concepts used in these programs are copied by other countries worldwide. On the individual level, disengagement and rehabilitation solve two goals: reformed participators provide information for intelligence services and provide alternative interpretations for challenging other extremist groups (Rabasa et al. 2011: 182). Wider advantages of both individual and collective rehabilitation and disengagement programs for Islamist extremists are the creation of an important counternarrative for global militants worldviews, hence discrediting violent ideology (Ashour 2008; Rashwan 2009; Rabasa et al. 2011: 30; Goerzig 2012; Schmid 2014).

Individual disengagement and de-radicalization are also the starting points of collective deradicalization, which is also prison-based in most casesafter a violent group's defeat. Mostly, influent leaders decide to give up violence and are able to convince group members and fellow groups. Rabasa et al. put stress on the advantage of this higher coverage: "Collective deradicalization is the most efficient way to change the behavior and beliefs of a large number of militants at once and ultimately discredit the extremist ideology." (Rabasa et al. 2011: xx).

Although Middle Eastern³ countries like Yemen and Saudi-Arabia, and European countries have well described programs for de-radicalization, disengagement and rehabilitation, the feasibility of de-radicalizing Islamist extremists is still contested. Islamist extremists are seen as irreconcilable for their use of violence and because their extreme views are based on religious beliefs. On this account, it is argued that neither negotiations with nor a de-radicalization of violent Islamists are possible (cf. Rabasa et al. 2011: 26 f.).

Rabasa et al. criticize this point of view. While they recognize the particularity of Islamist extremism for being more difficult to renounce because of being based on religious obligations, they see faith at the same time as opportunity (Rabasa et al. 2011: 27). Rooted in a world religion, mainstream Islam may build leverage on radical positions for challenging extremist interpretations. This advantage is expected to facilitate the process of renouncing of extremism – without renouncing faith itself (Rabasa et al. 2011: 4).

Nevertheless, the process of renouncement from Islamist extremism remains different from other forms of extremism. Both disengagement and de-radicalization of Islamist extremists are possible, but it is of special importance not only to change extremists' behavior but also their beliefs (Rabasa et al. 2011: 27). Therefore, disengagement programs in Muslim countries include a theological dialogue and lectures with Islamic scholars, imams, and "(...) should work to break their affective, practical, and ideological commitment to the group." (Rabasa et al. 2011: 184). Another peculiarity of disengagement processes of Islamist extremists is their stronger resistance to material incentives or reduced prison sentences (Rabasa et al. 2011: 183 f.).

One successful example of collective disengagement by an Islamist violent group is the Egyptian Islamic Group (IG):

"(...) the IG's de-radicalization process appeared successful: no armed operations since 1999, no significant splits within the movement and around 25 volumes authored by the IG leaders supporting their new ideology with both theological and rational arguments." (Ashour 2008: 11)

Important factors therefore was providing discussions within the group, with imams and publicly about religious issues (Rashwan 2009; cf. Goerzig 2012).

³ For a brief overview on Programs and their impact in states with Muslim majorities like Algeria, Saudi-Arabia, Indonesia, and Yemen see for example El-Said ((2012)).

Albeit the Egyptian Islamic group is a successful example for disengagement, the same is not true for *de-radicalization*.

"It [de-radicalization] touches on other issues like stances on democracy and women, but there are no major changes regarding these issues. Almost all of these movements still uphold misogynist, homophobic, xenophobic, and anti-democratic views." (Ashour 2008: 11)

Ashour's objection reflects John Horgan's and Katie Barelle's findings in interviews: although participants were disengaged, none of them was de-radicalized and moderated their views (Horgan 2009: 27; Barelle 2015).

Another objective for a further de-radicalization of Islamic extremists can be the rehabilitation program itself. Rabasa et al. criticize the state sanctioned idea of Islam, especially in Saudi-Arabia. From a Western perspective, the Saudi-Arabian interpretation of Islam seems quite conservative. Furthermore, governmental programs should combat domestic terrorism, but do not condemn violence in zones of conflict, such as Iraq or Afghanistan (Rabasa et al. 2011: xvi).

Inherent problems for disengagement and de-radicalization especially with regard to the Middle East are for example the accessibility of information at least for an overview to know how many initiatives exist and how they work. This is also correlated to the fact, that many programs exist in secrecy (Horgan & Braddock 2010: 279). Missing control groups, limited data of the existing programs and unclear definitions of who is actually able to participate (terrorist sympathizers/supporters or also hardliners) make an scientific evaluation almost impossible (ibid.; (Neumann 2013: 889). As John Horgan highlights, the understanding of how disengagement or de-radicalization programs work are right at the beginning of a longer research process (Horgan 2008: 7).

3. Bridging together

3.1 No disengagement without reconciliation?

In the following part, I want to illustrate how the three concepts presented above are interconnected and build a holistic process. My first point is that collective and individual disengagement are impossible without social inclusion of former combatants which points in

the direction of a broader reconciliation. And secondly, reconciliation, negotiations and disengagement/de-radicalization complete each other as parts of conflict management and conflict resolution/transformation.

First, individuals need a moderate social network and recognition for their disengagement for creating a new identity and their reintegration into mainstream society (Rabasa et al. 2011: 20; see also Ferguson et al. 2015: 208 f.). "Conversely, if the former radical cannot locate a supportive social network, find a job, or is ostracized by the community, the probability of recidivism will correspondingly increase." (ibid.)

Therefore, many rehabilitation programs like the Saudi-Arabian one do not end with the prisoner's release. They include the participator's families in the process, provide jobs and marriages (ibid.). Research on violent groups like ETA and IRA show similar effects: aging and founding a family are important factors for disengaging from terrorist groups (Ferguson et al. 2015: 205; Ferguson 2016). Social inclusion may have two effects. First, it works as an incentive for renouncement and secondly, it prevents the program participator for going back to his or her former extremist group (ibid.). For this purpose, it is also important that the social network does not reject the disengaged individual. Gordon Clubb underlines this issue on the example of Northern Irish former combatants compared to returnees from daesh: "Unlike Northern Irish former combatants who have already established themselves in local networks, Islamic State former combatant would be returning to preexisting community networks which would most likely resist them." (Clubb 2016: 857) Clubb explains this resisting position with the fear of spreading too radical ideas by former members of *daesh* in Muslim communities. Nevertheless, he puts stress on missing experiences with returnees from daesh and on the importance of co-opting vulnerable networks by mainstream Muslim communities (ibid.). As Barelle found out, social networks need to be plural for a successful integration for facilitating contacts to like-minded but non-violent members (Barelle 2015).

This expresses the connection of an individual disengaging process to a recognition and reconciliation between individual and society and deradicalization programs should therefore shape the view of society towards former combatants (Rabasa et al. 2011: 22). Besides, individual and collective disengagement are close connected to each other, as Barelle emphasizes:"In short, disengagement is actually about engagement somewhere else." (Barrelle 2015) As groups are composed by individuals, individuals "(...) are affected by

actions of and upon their group, while the group as a whole is also affected by the individual experiences of its members." (Mullins 2010: 166)

Second, collective disengagement relies on the recognition of civil society as the complementary individual process. Rabasa et al. evaluate a collective process to be effective to a greater extent because it includes a number of individuals at the same time and success is more likely (ibid.). The example of the Egyptian Islamic Group with about 15,000 removed members demonstrates these advantages (Ashour 2008: 11). The group's collective disengagement was not only highly public and in several books the group explained why it renounced its former interpretation of Islam. Besides, it had a valuable impact on a regional and global level in two directions. On the one hand, other states copied some parts of the successful disengagement process. One the other hand, violent groups were reached through the religious discussion and followed the IG's example or felt provoked to issue their own statements like Al-Qaida (Ashour 2008; Rashwan 2009; Rabasa et al. 2011; Goerzig 2012; Schmid 2014).

With regard to transitional justice and reconciliation, this public process of disengagement and de-radicalization becomes more relevant. Not only is it more transparent and viable for the civil society, but it helps also in combining the narratives of both sides and makes the whole process more comprehensive. On the other side, restorative justice needs also aspects of retributive or punitive justice for finding reliable facts of guilty: "(...) despite what advocates may wish to believe, RJ [restorative justice] cannot replace conventional criminal justice because it lacks a method of fact-finding—an important, although often overlooked, fact." (Daly 2016: 15). Mechanisms of restorative justice aim to help truth finding and reconciling both interpretation of truth between victim and offender for a shared future (cf. Bazemore 1998; Govier & Verwoerd 2002; Daly 2016). This expected future is also important for public support for both disengagement and de-radicalization processes, which is also reflected from a counter-terrorism perspective (Ashour 2008; Cronin 2009; Mullins 2010; Clubb 2014; Ferguson et al. 2015; Ferguson 2016).

My second argument is that reconciliation, negotiations and disengagement/de- radicalization intertwine as they are examples for solving a conflict peacefully. First and foremost, engaging with violent groups must go further than only solving a conflict through negotiations. As

discussed above, talks need to be guided by a transformation of conflict parties' stances on each other.

"Conflict was constructed in the minds of belligerents. Resolution will have to be, too. Real closure requires from all sides a sweeping social evolution and a redefinition of

concepts such as "national interest" and national identity." (Pecastaing 2011: 171) Furthermore, Pecastaing (2011) describes formal negotiations as a first step on the road but only as part of the complete whole journey (cf. Pecastaing 2011: 171). Cronin (2009) highlights the potential of negotiations as this initial step. Positive results from negotiations may have a wider effect as they demonstrate a peaceful alternative to violent means for involved groups and their follower (Cronin 2009: 38). The process of negotiations may initiate a changing of pictures of both sides, and help to overcome the de-humanization and 'othering' during the former conflict (Toros 2012; cf. Renner & Spencer 2013), which can also be described as 'de-radicalizing of language'. A process of broader reintegration, deradicalization and reconciliation for building mutual trust and acceptance must run parallel to disbanding (=demobilization) (Bar-Tal 2000: 354; Knight & Özerdem 2004). Important for a highly violent and cruel conflict is also the changing of mindsets of both victims and offenders.

Terrorist violence is comparable to intractable conflicts which include a special conflict mindset. Therefore, ending this kind of conflict needs more than only conflict resolution by negotiations. Reconciliation must tangle the former conflict parties mindsets by, for example, overcoming in social beliefs deeply rooted stereotypes (Bar-Tal 2000).

This perspective brings reconciliation between victims and perpetrators and de-radicalization close together, because both sides put stress on narratives. Research on disengagement underlines the effect of counter-narratives, serving as a "firewall"⁴ against violent ideas (Clubb 2016). "Utilizing former combatants on the basis of their antiviolence frames is what increases the potential supply of former combatants who can play a role in preventing terrorism." (Alonso 2011; Alonso & Bada 2016; Clubb 2016: 857–858).

Another advantage of former combatants is their credibility in their networks for reaching younger, vulnerable actors and including them in counter-radicalization, especially compared

⁴ In his paper, Clubb (2016) discusses the two schools of thought towards former extremists. Are they helpful for avoiding further radicalization ("firewall") or do they increase radicalization indirectly ("conveyor belt")?

to external NGOs or governmental actors who lack credibility and legitimacy (Alonso 2011; Alonso/Bada 2016 on the example of ETA; Clubb 2016 on IRA and *daesh*). With their experiences in violent activities, former combatant try to challenge the culture of violence in young sub-cultures. They experienced violence as not effective and reject its glorification (Ferguson 2016: 12).

3.2 Common conceptual problems

3.2.1 Contested definitions

Although there is a general idea of reconciliation, disengagement and de-radicalization, the concepts hardly defined and definitions are contested. This becomes more relevant when analyzing the subject especially of disengagement and de-radicalization: terrorist violence and the process of radicalization. Academic discussion reflects these problems. Is terrorist violence distinguishable from other forms of violence, is it a form *sui generis*, or is it only a chosen label chosen to discriminate political groups? Besides, this unclear definition is also reflected by conflict management scholars (cf. Kaminski et al. 2003; Neumann 2007; Zartman 2008). Which criteria are important to evaluate the possibility of negotiations with a terrorist group?

In his research paper, Schmid puts forward, that most discussions on terrorist violence exclude victims or victimhood in general which is also connected to the low governmental interest in survivors and victims (Schmid 2012: 2f.).

"Contrary to most other forms of violence, terrorist violence is triangular: there is perpetrator, a victim and a target (or several). The direct victim of violence is, however, only a secondary target – although he or she might be part of a general target population." (ibid.)

This finding reflects the positions of reconciliation and restorative justice who include victim, offender and society/community. "Furthermore, many terrorists in fact see and/or portray themselves as victims having (perceived or actual) grievances – which they use to justify creating further victims for their cause." (Schmid 2012: 3) If there is no worldwide recognized definition of terrorism, how are the victims of terrorist violence defined, especially connected to law?

On the other hand, there is an existing common sense for a core definition of terrorism by defining it as political motivated violence. This common sense misses a definition for what constitutes a radical idea or action (Neumann 2013: 878). The concept of radicalization itself is context-dependent and its core elements for a definition like ending points, context and normative issues vary (Neumann 2013: 874). Although of different opinions, researchers agree that radicalization, and de-radicalization, are long and complex processes, influenced by various factors and an extremist individual at the end (cf. ibid.). What causes disagreement is the subject of extremism: is it extremism of thoughts or (political) actions? And are these thoughts and actions interconnected or should they be seen as separate (cf. Neumann 2013: 875). Additionally, the fundamental idea of what is a radical idea or action is compared terrorist violence – not clear:

"Its content varies depending on what is seen as 'mainstream' in any given society, section of society or period of time. Different political, cultural and historical contexts, in other words, produce different notions of 'radicalism'." (Neumann 2013: 876)

Detailed and uncontested definitions are important for researchers. Without blurring definitions, it is hardly possible to compare case studies from a comparative perspective.

3.2.2 Individual process, case studies and no comparative perspective

3.2.2.1 Individual psychological process

Both individual reconciliation and the decision to renounce violent means are psychological processes. Therefore, the measurability of forgiving, reconciling and de-radicalization is very difficult, if not impossible, although important research through interviews is done (Dalgaard-Nielsen 2013; Barelle 2015; Horgan et al. 2016). Demonstrating disengagement is easier in changing one's behavior, but this does not allow conclusions on the degree of softening one's impression or belief. Behavior may change, but ideas or principles stay the same. Is an individual only disengaged or truly de-radicalized? Furthermore, identities are strongly shaped by longer lasting conflicts because combatants identify with their groups. Barelle found out that over 60% of former combatants felt that their self was highly merged with the group; at all high rating and consisted with every form of radicalism (Barelle 2015). She writes: "Identity is core to who we are, and this is no different for extremists; indeed, as

already foreshadowed, disengagement from extremism and engagement with mainstream society can be viewed as the ultimate identity transformation." (Barelle 2015). Transforming one's identity is not a linear process, but an exchange of forwards and backwards (ibid.)

Horgan & Braddock (2010) and Rabasa et al. (2011) highlight the danger of misinterpreting participator's behavior for benefiting from programs without changing their ideas. Furthermore, they ask if radical group members rest irreconcilable, how are they identified (Rabasa et al. 2011: 7)?

Being unable to evaluate the individual stance on former conflict parties complicates negotiations because they are reliant on trust – and explains skeptical positions towards this subject. This makes it difficult for decision makers to distinguish between signals of willingness to moderate and renounce or if the group tries to gain time to re-group and re-arm (Pettyjohn 2011: 149).

Research on ways towards and away from radicalism is connected to typical problems. In particular, the accessibility of research subjects – former or active combatants – is restricted due to law. In many cases, direct contacted to listed terrorist groups or individuals is forbidden or only possible in embedded research in military or intelligence background (Brannan et al. 2001). Therefore, research is often limited to contact to imprisoned actors and still not enough studies are based on systematic face-to-face interviews (Altier et al. 2014: 648; Ferguson et al. 2015: 201). Research on this topic is crucial, because understanding why individuals disengaged from extremism helps also understanding how violent groups end for drawing conclusions on macro and meso levels (ibid.; cf. also Cronin (2009).

3.2.2.2 Comparability

On the one hand, disengagement and reconciliation rely on psychological processes, on the other hand both concepts, as well as negotiations, are singular case studies and therefore unheard to compare. Likewise, as in the preceding conflict, each reconciliation process needs to be "tailored" to its specific conflict situation and society (Misra 2008: 114). Furthermore, the post-conflict society has its specific understanding of justice: "(...) the make-up of justice is ultimately coloured by the needs, the overall character and the capacity of that given society to see through that particular approach." (Misra 2008: 115).

The same is true for disengagement processes of terrorist groups, as Bjørgo & Horgan (2009) put forward: each terrorist group has its own unique history, structure and other characteristics. It is questionable if each disengagement process is a case *sui generis* or if it is possible to make general assumptions about the emergence and disengagement of violent groups (Bjørgo & Horgan 2009: 2; Cronin 2009).

Being unable to untangle different effects makes it almost impossible to compare different negotiation and reconciliation processes as well as disengagement programs as they pick up very different instruments as further described. Furthermore, both reconciliation and deradicalization or disengagement are longer processes, so researchers cannot control what happens around program participators and influences (Rabasa et al. 2011: 184; Neumann 2013: 889).

What affects reconciliation and justice? Are transitional justice instruments such as courts or truth commissions relevant factors or are other factors like newly emerging (democratic) institutions and simply the passing of time of higher importance? And what are measurable long-term criteria for success (cf. Kaminski et al. 2006: 300)?

To sum it up, both the success of reconciliation and disengagement/de-radicalization are highly dependent on their cultural and national background. Every program should reflect the typical cultural and social characteristics of the place where it is implemented (Bar-Tal 2000; Rabasa et al. 2011: xxii). Or, in short: "They have to develop organically in a specific country and culture." (Rabasa et al. 2011: xxii). As it is important for improving worldwide reconciliation and rehabilitation programs, identifying best practices and core processes is possible for researchers, but difficult.

4. Criticized amnesties

In this last subchapter, I want to address one important instrument for reconciliation or transitional justice processes, negotiations and disengagement/rehabilitation programs: amnesties or reduced punishment. All three concepts rely on amnesties as useful incentive for violent groups for getting into contact, building trust and ending the conflict.

Furthermore, wanting to forget after conflicts may have various reasons. Practically, choosing amnesia is less time intensive and its uses can stem from financial issues if trials and truth

commissions (and also disengagement programs) are too expensive for the post-conflictcountry (cf. (Misra 2008: 120).

More prevalent for choosing amnesties are cultural reasons. Rebuilding harmony and unity in the society is more important than (individual) justice as Asian and some African reconciliation processes demonstrate. Other factors are a society's unity and structure:

"Unsurprisingly in countries such as Afghanistan there is not even talk of putting the leaders of its long civil war on trial. In a fractured clan- and tribe-dominated culture as Afghanistan, it is thought that trials will only alienate the perpetrators by putting them on the defensive." (Misra 2008: 122)

From the perspective of disengagement programs, amnesties serve as important push-factors why individuals decide to leave a group. However, amnesties may facilitate the process only once the individual has already considered renouncement and their effect is still not clear and limited (Alonso 2011; Altier et al. 2014: 650). Additionally, following Mullins, amnesties are often widespread offered "(...) as a large-scale demobilization tactic (e.g. as in Italy, Colombia, Egypt, or Algeria)." (Mullins 2010: 170). Mullins describes these amnesties as serving for a "first contact" between governments and disengaging combatants (ibid.).

On the other hand, amnesties or amnesia are extensively criticized instruments. Numerous researchers accuse amnesties of avoiding reconciliation and a truth-finding process (cf. Hamber 2007: 122).

Pecastaing (2011) and others warn that governments after civil wars or terrorism may take political advantages from forgetting the past (Pecastaing 2011: 196 ff.). In accordance to Volpi (2003), Pecastaing outlines that amnesty programs in Algeria and Egypt serve as successful examples for militants renouncing violent means or their armed struggle (Volpi 2003: 74–82; cf. Pecastaing 2011). But these programs were not meant to solve underlying issues such as political participation or economic justice (Pecastaing 2011: 196). Instead, as criticized by Humphrey, the Algerian amnesty programs were supposed to re-establish national unity and strengthen the government under Bouteflika after the civil war (Humphrey 2012) Furthermore, public discussions or critique of the Algerian amnesty is forbidden by law (Joffé 2008: 220).

For three reasons, this is highly problematic. First, as Pecastaing warns:

"Amnesty without political opening brings a temporary reprieve to an exhausted generation of fighters without fundamentally resolving the root cause of protest. If the populace sees no alternative to political violence in pursuing its cause or rights, defectors will be written off as losers or traitors until a new generation picks up the struggle." (Pecastaing 2011: 196)

Secondly, too much pressure on victims in the reconciliation process may hinder successful reconciliation, following some psychologists cited by Alonso & Bada (2016: 995). Furthermore, it is crucial to discuss how victims are treated who simply cannot forgive. Is this issue reflected in public discussions and by the society?

Third, as pointed out in previous chapters, reconciliation and disengagement/de-radicalization need the guidance of public communication, even because missing channels for communication are seen as one root cause of terrorist violence. Suppressing this discussion, in the Algerian example on the civil war, as well as the debate on the interpretation and modernization of Islam may lead to further discontent and new radical groups.

With the process of disengagement and de-radicalization in mind, a forced amnesty also prevents finding out why individual and groups radicalized towards political violence.

In addition, the extensive and ill-advised use of amnesties contradicts the modern (Western) concept of justice and rule of law and oppose the state's responsibility of punishing injustice (cf. Misra 2008: 126; Renner & Spencer 2012a: 12). Moreover, keeping the monopoly of violence is integral part of modern statehood on violence in a form of a social contract. Citizens give up their right for revenge, which reduces victims to passive witnesses. Unwise used amnesties and reduced punishment would further weaken this position (Schmid 2012: 9). Schmid warns:

"Governments are sometimes willing to sacrifice justice for peace and as a result former terrorists or their supporters end up in important public positions rather than in jail. Ideally, peace and justice should not be opposite values and those who argue that there can be no lasting peace without justice have a point. Yet short-term *Realpolitik* or lack of resources and political power often get in the way of a solution that is both just and peaceful." (Schmid 2012: 13)

He puts stress on the fact that victims play a crucial role in the public debate after terrorist violence and that they have good reasons to fight violent extremism (Schmid 2012). Mullins

confirms with this position by underlining the balance between goals of de-radicalization and the need of justice, especially for victims after terrorist violence which he sees as not exclusive to each other. "This (...) links in with the notion of restorative justice and the potential to address the needs of victims whilst potentially furthering individual rehabilitation." (Mullins 2010: 170)

A second feature of reconciliation is finding justice for victims. Therefore, amnesties are not only said to suppress truth but also of being unjust. Kaminski et al. (2006) ask if it is more important to have the old leaders stand trial or if a pardon stabilizes the recent political order (Kaminski et al. 2006: 297)? On the one hand, victims may suffer psychological problems if perpetrators are not at all or only mildly punished as it is the extreme case after mass atrocities/genocide (ibid.). On the other hand, as I have shown, amnesties or milder punishment are an integral part of peace agreements, disengagement and de-radicalization programs.

5. Alternative possibilities: including victims and reflecting justice

Concluding, I want to pick up transitional justice research on different forms of justice. Bringing Islamist violent groups to justice is mostly thought as bringing them to court. But besides to this form of retributive justice, transitional justice offers also restorative instruments like sincere public apologies. The public discussion of the Egyptian Islamic Group may serve also as example for restorative justice. Gibson (2002) has done research on the reconciliation process in South Africa. In a survey, he has asked participators about the acceptance of amnesties related to their sense of justice and which forms of justice other than imprisonment may help to satisfy this sense (cf. Gibson 2002: 550). Gibson found out that retributive justice is not as important as suspected. Furthermore, fairness in the truth and reconciliation process is evaluated as more than only merely a compensation payment (Gibson 2002: 552). Schmid puts stress on compensation payments symbolizing the public wish for recognizing victims and survivors. However, these payments may also force inequality between victims. He compared compensation payments for victims of the 9/11 attacks and the Oklahoma Bombings and showed that the payment rates after 9/11 are much higher related to the public coverage (Schmid 2012: 9). He concludes therefore: "However,

the involvement of victims should also be enhanced in other areas. It should involve strengthening their role in the criminal justice system, strengthening victim associations and strengthening their role in the media." (Schmid 2012: 8).

This bridges back ideas of the restorative justice approach into the discussion. Restorative justice reflects the repairing of relations between the victim, the offender and their surrounding community. Besides, it presents the different instruments of restorative justice, serving as an umbrella for various types of justice (Daly 2016). "Analysts need to recognize that a variety of justice mechanisms exist that do not have the same aims and processes." (Daly 2016: 18). It is crucial to keep in mind that this variety reflects also different cultural backgrounds of restorative justice as well as transitional justice (ibid.).

In the following part, I want to discuss two ways to include victims and how justice may increase. This follows a Western perspective, putting stress on individual justice instead of preferring social unity.

As mentioned above, Schmid highlights three different ways for supporting victims after terrorist violence. He suggests the strengthening of victim organizations, increasing media coverage and recognition of victims and, which is important for this paper, the empowerment of victims in criminal justice processes for a more active role. This may happen by the victim impact statement (Schmid 2012: 9).

"In such a statement the survivor or the relatives of a victim can make it clear to the persons accused of terrorism and to a larger public inside the courtroom and beyond what harm has been done and how undeserved the victimisation was." (ibid.)

Victim impact statements have a grave effect on listening offenders: "Even some hardened terrorists have, in such confrontations, not been able to remain completely unmoved by the stories about the human tragedies they have caused." (ibid.)

This direct and tangible confrontation follows restorative justice mechanisms and adds important advantages to the regular court (=retributive justice). "Restorative justice procedures usually involve a face-to-face meeting of the victim, the offender, and supporters for both sides." (Gromet & Darley 2006: 396) The terrorist is confronted directly with victims of his actions, and a public judgment about wrongdoing and norms is possible⁵. Through these

⁵ See also Yehudith Auerbach on different steps for reconciliation. For example, meetings between parents of victims and suicide terrorists in Israel and Palestine are integral part of her reconciliation pyramid (Auerbach

restorative mechanisms, communities may discuss and define in public which behavior is absolutely not acceptable (ibid.). As foreshadowed above, public disengagement and apologies likewise victim's statements may affect also violent actors still in the struggle (ibid.).

In his research on the disengagement process of ETA, Alonso discusses 14 meetings between victims and former ETA members from 2011 to 2012 as part of the Nanclares program, fostered from governmental side (Alonso 2011; Alonso & Bada 2016). Although he determined a positive coverage of these meetings in media and from political parties, Alonso questions the effectiveness of the process for victims and offenders. First of all, because prisoners can expect benefits from their participation in the program:

"This is a serious flaw that overshadows possible positive effects should the meetings between victims and terrorists really trigger some personal self criticism in the latter if confronted with certain questions, and should that self criticism reinforce a stronger and unambiguous de-legitimization of terrorism both in private and in public." (Alonso & Bada 2016)

Secondly, he asks for victim's reasons for participating in this program. Alonso and Bada could document in their interviews that victims or survivors were more interested in gaining information from the prisoners for the juridical process than in reducing hate or forgiving (Alonso & Bada 2016). Furthermore, the effort of this restorative justice approach has some questionable results since it is said to soften the stance on violence, especially the view on killing people (ibid.).

"So it is worth considering how disengagement/deradicalization programs could be administered by civil society groups or other branches of the government not associated with security and incarceration in order for them to be tailored more sensitively to the needs of the people undertaking them." (Ferguson 2016: 16–17)

Because disengagement and de-radicalization processes tend to focus on offenders, I want to as in this last part how victims judge processes of restorative and retributive justice concerned to terrorist violence. In the academic literature, there are quite different findings.

^{2009).} Similar meetings between mothers of victims and former combatants are also part of the disengagement program in Iraq (cf. Mullins 2010: 170).

On the one hand, empirical studies like the cited one done by Gibson (2002) express positive expressions of justice by victims.

"Restorative justice advocates argue that victims feel more satisfied with restorative processes than traditional court procedures because they have an opportunity to confront the person who victimized them, receive an apology, and play a role in determining what the offenders must do to repair the harm." (Gromet & Darley 2006: 396)

Schmid and Mullins put forward the kind of "catharsis" for offenders by realizing their impact of their violence and asking for recognition or re-humanization by their victims (Mullins 2010; Schmid 2012). Compared to criminal offenders, this impact makes the repetition of offences less likely and gives victims a sense of 'closure' to their pain (Mullins 2010: 171).

As underlined by Schmid (2012) above, terrorist violence does not only hit the victim directly, but the broader civil society indirectly. The process of including the community in the restorative justice process is reflected by Gromet and Darley (2006), too. Although victim and offender may be satisfied by the described procedure above, the surrounding community must be involved by retributive/punitive measures (Gromet & Darley 2006: 398). Crimes or violence hits also the victim as citizen of a society which reflects in turn the discussed critique on amnesties above. On the other hand, Gromet and Darley found out, that people tend to prefer harsher punishment when the seriousness of crimes rises which may be similar to terrorist violence. Therefore, "pure" restorative justice processes – or extensive amnesties – may be judged as insufficient or less viable (Gromet & Darley 2006: 399).

Leo G. Barrile (2015) conducted interviews with victim family members after brutal murder like the Oklahoma bombings in Virginia and Texas. He found out, that survivors may forgive, but they show no mercy and pledge for death penalty. Resulting from these interviews, Barrile defined three ways of forgiveness: restrictive in forgiving but rejecting mercy, ambivalent and redemptive in pledging for sparing the offender's life (Barrile 2015: 249 ff.).

Victims are often confronted and torn between own emotions and social norms. "They forgive, but often believe that the punishment is justice for the victim or protection for the community." (Barrile 2015: 243)

Like Alonso demonstrated in his interviews, participators in Barrile's research program communicated with offenders to "know more" and via offender's statements.

restorative justice processes.

"These interactions change the premise of the normal, anonymous, antagonistic relationship between offenders and survivors and give survivors a chance to gauge the genuineness of the offender's apology." But: "Grief does not disappear." (Barrile 2015: 242)

The restorative justice goal would lay in reducing hatred and growing feelings of relief and healing (ibid.).

Barrile's findings reflect the complicated issue of personal reconciliation because it became apparent that participator's feelings were varied within individuals. Survivors "(...) expressed seemingly contradictory sentiments, such as empathy yet demonization, forgiveness yet a desire for the execution." (Barrile 2015: 245). Barrile explains this finding by the contradiction between individual feelings and socially constructed "emotional rules" or norms. "Individuals dealing with persistent grief from a homicide loss are more likely to have a welter of conflicting emotions about the death penalty and deviate from the emotion rules." (Barrile 2015: 245)

85% of survivors feel justice after death penalty because in their opinion it is fitting to the severity of the crime, especially to the lost of their loved ones (Barrile 2015: 246). Most striking is another fact: "While the overwhelming majority believed the execution to be just and said they supported it before the execution, after the execution a few thought it was not painful enough, that the offender did not suffer as much as the victim." (Barrile 2015: 247) On the other side, forgiveness (15%) and empathy (12%) are less common. "Similarly, only one fourth of the survivors express ambivalence about the death penalty." (Barrile 2015: 247) Barrile concludes that although survivors felt forgiveness or empathy for the offenders, they showed no mercy. He links this to the highly social accepted death penalty in Virginia and Texas. Therefore, the social background is influent on individual decisions and feelings in

"The implementation of restorative justice in death penalty cases is difficult, even in cases where the survivors are likely to be amenable to a mediation dialogue." (Barrile 2015: 264)

And further: "For purposes of restorative justice this study indicates that the forgive but- die sentiment is not a barrier to mediation. Yet while dialogues would be beneficial to both participants, they are unlikely to alter survivors' attitudes about the death penalty, especially in Texas and Virginia." (Barrile 2015: 265)

For disengagement and rehabilitation programs this may have two intents: first, the acceptance for the program can increase when victims are included in the process. Critical reflection on the severity of offender's pledges is crucial. Do offenders only want to save their live for reducing sentence, or are they feeling accountability and apologizing severely? Second, amnesties and milder punishment are important incentives for disengagement, but a lasting de-radicalization process must include some aspects of communication between participator, victims and civil society.

6. Conclusion

This paper aimed to combine the topics of negotiations, reconciliation and disengagement/deradicalization on the example of Islamist terrorist violence. By putting together all three concepts, the importance of communication, mutual trust and a combination of individual incentives, pressure and reconciliation measures becomes evident. Comparing reconciliation to disengagement/de-radicalization shows clearly how both concepts complement each other. As Barelle demonstrates, disengagement is only possible with reintegration in a community (Barelle 2015).

Research on disengagement as an individual or collective process of offenders helps to understand why former combatant renounce violence. Reconciliation and transitional justice, on the other hand, give various possibilities for re-integrating former extremists into society and reconcile them with victims. Analyzing the contested effect of amnesties has shown that to labor on the past, justice for victims and giving important incentives to rehabilitation program participators are no contradictions when restorative and retributive justice elements are combined.

As case studies on negotiations with violent groups, reconciliation and also disengagement/de-radicalization demonstrate, each topic includes complicated and time-intensive successful processes full of potential backlashes. Important research is done on all three topics and will be in the future for completing a general understanding how violent actors disengage from violence, de-radicalize their extreme ideas and re-integrate into civil society. Audrey Kurth Cronin underlines that a certain span of time, every violent group must

die, and Katie Barelle points out that every individual leaves one day a terrorist group for disengaging (Barelle 2015; Cronin 2009).

Concluding, both statements points back to the emerging of further violence:

"The fact that they [violent actors] were indoctrinated in no way excuses their crimes—each individual made a series of terrible decisions, and should thus be held fully accountable for his or her behavior. However, it does suggest that those who were once ordinary, nonviolent civilians could once again return to that life, despite the violent horrors in between." (Lankford & Gillespie 2011: 119)



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