

A Different Type of War

Practices and War in Countering Terrorism

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In May of 2014, President Barack Obama authorized the release of a handful of Taliban members in exchange for Sgt Bowe Bergdahl, the lone American prisoner of war remaining from the war in Afghanistan. With the conflict well over a decade old and the United States seeking to conclude it in the near term, these Taliban members would inevitably have been returned in accordance with the normal practice of war since there would no longer be grounds for holding them. Consequently, the administration had the choice of going forward with the trade or risk having to return the prisoners later with nothing to show for it, so the administration proceeded with the exchange. Rather than receiving praise for freeing an American soldier, however, the president had to spend weeks defending his actions from critics who called it a “concession” to “terrorists.”¹

Similarly, the United States’ expansion of its operations against terrorists into Syria and northern Iraq to combat the threat from the Islamic State has spurred debate about the legality and strategic benefits of this widening of operations. Complicating the situation and sparking a debate in Congress is the 2001 declaration of war on terrorism—the congressional resolution authorizing the use of military force (AUMF)—which specifies “nations, organizations, or persons” affiliated with al-Qaeda as permitted targets of US operations.² Yet, the Islamic State has explicitly disassociated itself from al-Qaeda, and the administration continues to claim that the initial declaration of war still applies.³ This debate over whether a new congressional resolution was necessary to continue operations in a war initially characterized by President George Bush as against “terrorism,” broadly speaking, in an area where the United States had recently engaged in counterinsurgency operations under a separate AUMF, seemed somewhat odd to defenders of the adminis-

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tration's position. To critics, however, it seemed equally egregious—this was not merely an ongoing front in an existing conflict but a new war entirely.⁴

Finally, illustrating the tensions involved in fighting a war against terrorists is the Obama administration's most recent presidential directive and executive order making it policy to no longer prosecute civilian relatives who attempt to pay ransom to these individuals in exchange for the return of their family members, combined with a lifting of the ban on official government contact with terrorists.⁵ Speaking with the adversary and making certain concessions—however minor—have a long history in American warfare, and this practice is especially the case when it comes to prisoner exchange and postwar settlements. For this particular enemy (however defined), concessions are off the table entirely—despite the United States being in a self-acknowledged war. Negotiation and concession are the normal process by which contemporary wars end.⁶ It has taken a tremendously controversial shift in policy even to open up the possibility of meeting with the enemy—historically an elementary component of ending conflict.

Exchanging prisoners of war, pursuing acknowledged adversaries of the United States, and speaking with the enemy at the conclusion of a conflict are all fairly unremarkable occurrences, yet each of these was seen as something rather extraordinary in the context of the war on terrorism. Scholars and policy makers alike have wrestled with the fact that although the war on terror was articulated as a “war” from the outset, it has always appeared very different from conflicts of the past—an issue of definition that has only gotten worse as the war's theater of operations has expanded well beyond the initial actions in Afghanistan.⁷ The result has been the rise of gaps and contradictions between what is expected or “normal” in a war and what seems “normal” in an effort to combat terrorist groups like al-Qaeda and its affiliates. The United States indisputably claims that the war on terror is an ongoing struggle in the legal and political sense—legally the United States remains in a state of war so long as the 2001 AUMF stays in place and recent US national security strategies explicitly articulate it as such. Yet, this conflict seems to continually expose areas where the normal practice of war is at odds with what is expected in dealing with a terrorist group.⁸ As the war continues into what appears its latter stages, these disjunctures will only become more apparent and further complicate efforts to conclude the conflict successfully.

President Bush captured this situation best when he first referred to the war on terrorism as a “different type of war.”⁹ Although the statement possesses intuitive appeal and appears especially prescient in retrospect, what exactly makes it different? And if this war is “different,” then what does a “normal” war look like? This article argues that these areas of conflict—between what is expected or practical in war and what is expected or normal in addressing a terrorist threat—are an intrinsic part of prosecuting a war with this particular enemy. Further, and more worrisome for US policy makers, these contradictions will occur more frequently as this conflict continues and especially as it nears its conclusion. As long as the United States remains in a state of war with al-Qaeda and its affiliates and frames its strategy toward terrorist groups as a “war,” America will lack the

flexibility and capacity to employ available options that have been empirically effective in ending terrorist campaigns.

This article builds upon recent international relations (IR) scholarship that utilizes Pierre Bourdieu's theorization of social activity as "practices" to show that the foreign policy of states can be understood as the sum of social practices. Actions that appear "self-evident" or "common sense" are valued by social and political actors over those that do not appear to "make sense" and are most likely to rule the day when contradicting paths arise.¹⁰ Oftentimes, these practices appear so obvious as to require no thought at all. In the case of al-Qaeda, for instance, the group conducted a campaign of violent attacks against the United States, which responded in kind—it appears to be common sense. Taking the viewpoint of war as a social practice rather than just the outbreak of violence or instrumental use of force, though, exposes how US actions are framed and how that process implicates US policy choices. Some of the seeming contradictions (e.g., the confusing policy of allowing negotiations but not concessions) become more explicable.

Practices expected in a war—sitting down with the enemy to identify a peace settlement, exchanging hostages, and expanding fronts in a conflict—are not necessarily so in the context of counterterrorism, creating tensions and conflicting options that must be resolved in one way or another. How those issues are resolved reflects fundamental facets of contemporary international politics; more worryingly, it also highlights the inevitable difficulties facing the United States as it seeks to end the threat from al-Qaeda and its affiliates. This issue is not merely academic—these gaps and contradictions will make it increasingly difficult to end the threat from al-Qaeda and whoever else takes its place. Frequently, efforts appropriate to war particularly conflict with historically successful options in the end stages of terrorist campaigns. As long as the United States remains at war with al-Qaeda and its affiliates, these groups will remain influential merely because of US identification of them as the enemy. Thus, a powerful incentive exists for anti-American forces to continue to ally and identify with the group.

The Common Sense of War

The so-called practice turn in IR theory has had significant influence and has gained considerable traction in contemporary IR with scholars focusing their work largely on Bourdieu's notion of social "practices."¹¹ Although the utilization of his discernment follows historical trends of IR scholars incorporating sociological insights into their study, in this case the concept is particularly effective at revealing the manner in which actions—rather than simply concepts—are influenced by societal constructions.¹² Constructivist work has historically been quite good at identifying the existence of norms, ideas, and societal institutions in the international space, but practice-oriented scholars argue that the *actions* of international actors can equally be societally constructed even if they are not consciously understood as such. In short, these influences can be subtle and "unconscious":

Most of what people do, in world politics as in any other social field, does not derive from conscious deliberation or thoughtful reflection—instrumental, rule-based, communicative, or otherwise. Instead, practices are the result of inarticulate, practical knowledge that makes what is to be done appear “self-evident” or commonsensical. This is the logic of practicality, a fundamental feature of social life.¹³

In the context of war, this is especially important because much of what people do appears “self-evident” and relies on “common sense” even if those ideas are enshrined in doctrinal terms. The sheer rapidity of events in an armed conflict oftentimes precludes considered reflection or concern for social expectations—especially at the state level—and the result is that states and militaries tend to rely on what appears “practical” and realistic to guide their actions and policies.

Approaching war as a practice also exposes that actions that appear appropriate do so not necessarily because of anything essential or foundational but because of ideas and concepts that are created and constructed. Practices—in particular, political practices—arise from institutions and environments laden with power and authority. Some ideas (e.g., the preservation of the state or the continued primacy of the military in prosecuting conflict) are so deeply embedded and powerful that those values can remain implicit and unstated. They are the result of simple “commonsense” thinking, but such thinking inevitably reflects existing political structures and the preferences of those who currently possess authority. Thinking of war as a practice highlights how those institutions still shape and constrain the conduct of behavior whenever those practices take place. In other words, what appears normal, appropriate, and practical in war is often a function of political relationships and reflective of the strategic and political environment: “The reasons shaping human actions are relational, driven by a practical sense and by a degree of arbitrariness. This is why the social genesis of institutions is so central to understand any course of action. It allows us to understand how the initial violence or arbitrariness of specific reasons for setting rules comes to be normalized and forgotten.”¹⁴ In this particular case, even though the United States has embarked upon a war with al-Qaeda and its affiliates, its actions have raised the question of what exactly “going to war” means. As Audrey Cronin observes, war, despite its foundational role throughout history—much like sovereignty or terrorism—remains a concept that has meaning only in context and lacks unanimity in its definition. It mirrors terrorism in that “terrorism is intended to be a matter of perception and is thus seen differently by different observers and at different points in history. It is a term like *war* or *sovereignty* that will never be defined in words that achieve full international consensus.”¹⁵

This is not to argue that the concept of war has no meaning, but given that its meaning is not fixed, what it means to go to war is a reflection of the actor defining the term. As well, this is not to wade into the rich debate surrounding particular cultures and strategies or to identify the “American way of war” because, even if definable, it is constantly changing.¹⁶ What practice-oriented ideas do show, however, is at the basic conceptual level. For the United States, what stands out and is perhaps most illustrative of Bush’s point is that wars are linked to states. In US thinking, wars are distinguished from

other forms of violence by being the province of states (and occasionally state-aspirants that the United States deems legitimate).

Individuals who identify the distinction between war and terrorism have long observed that sovereign states largely determine when and where wars take place and how they are to be fought.¹⁷ Al-Qaeda, for instance, had been at war with the United States for years prior to the 2001 AUMF. The 1996 fatwa declaring war had been carried out in deed as well as word via the attacks on US embassies in Kenya and Tanzania in 1998 as well as the USS *Cole* in 2000. Despite the attacks, the war only truly “began” once the US government decided it was a war.¹⁸ Perhaps more importantly, however, the very concept of war as a distinctive use of force is one that values states and state authority in its conception. The most “normal” of all wars—those that the United States considers most “self-evidently” wars and not peacekeeping or humanitarian operations—are those that occur between and among states. World War II and the Persian Gulf War of 1991 are most clear, but even the “Cold War” as an organizing concept made sense largely because it was centered on preparations for state-state combat. The privileging of the state occurs throughout US thinking. From the very designation of actions like humanitarian intervention as “operations other than war” to the phrase used in the 2006 *Quadrennial Defense Review Report* (“wars in countries we are not at war with”), the United States focuses on states in its thinking and preparation for war.¹⁹ Even the doctrine of Gen David Petraeus and counterinsurgency operations throughout the years have been state-centric and based upon precluding territorial control—ending the threat from what the United States sees as a state-aspirant. Terrorists pose a different challenge in that one cannot assume that the primary and immediate goal is territorial control.²⁰

Sovereignty may be difficult to define, taxonomize precisely, or delineate exactly, but it is the organizing principle of IR and international politics.²¹ Even as it waxes and wanes in centrality, it remains the defining feature of the international system. As the most powerful state in this system of actors in which the state is the only one that can legitimately use military force, the United States singularly benefits from this system’s continuance. It is no surprise that this principle is reflected in the way in which America practices war. Such is particularly the case in conflict with terrorist groups since the United States has an interest in defining terrorism as an illegitimate tactic undertaken by illegitimate actors because it reinforces the notion that when America uses violence, it *is* legitimate.²² War is held up as a permissible tactic employed by legitimate actors—states. The problem occurs when this practice is brought into the context of a state fighting a terrorist group because complications inevitably arise. War, as a strategy and as a practice, no longer easily fits.

The Complications of War against a Terrorist Group

Because these conflicts occur due to the strategic framework the United States has chosen—the very way in which it conceives of the conflict—issues will continually arise in a variety of contexts. They will not be limited to one area of the conflict as long as the

overall frame is one of war. From the US perspective, this is problematic because it not only makes the ongoing prosecution of the war more complicated but also makes it tremendously difficult to end the threat from al-Qaeda and whatever future groups the United States identifies as its adversaries in this conflict. This is a particular problem when it comes time to begin the process of actually concluding the war itself. In the mind of US policy makers, the very existence of terrorist organizations poses an unacceptable threat. States like Iran or North Korea may represent an “intolerable” threat, but their continued existence is acceptable because of their status as states. Regarding a group like al-Qaeda or any other group designated as terrorist, in the eyes of the United States, its mere existence is unacceptable. In the context of a war, it means that the conflict is not and cannot be over until that group is *actually and fully* eradicated. Compare such a group with a country like North Korea that poses a much greater threat to the United States and its interests—a country with whom America has engaged diplomatically and made concessions. Its mere existence as an actor is not an indication that war is the primary option.

The wisdom of refusing to engage terrorist groups is a subject for debate, but it poses a unique problem as the war nears its conclusion because in contemporary practice, wars rarely end with the complete annihilation of the enemy. Even World War II’s unconditional surrender allowed the states of Germany and Japan, at a minimum, to *exist*.²³ Yet, according to this administration, the stated US goal vis-à-vis al-Qaeda is “effective destruction”—a policy at odds with the practice of contemporary war for the United States and much of the world for the past century.²⁴ Wars are disruptive and intrinsically violate sovereignty, but they do not endanger the overall system of sovereign states, at least partially, because they rarely end with one state’s elimination at the hands of another. As the most powerful state internationally, the United States has an overriding interest in maintaining the system of sovereign states that it leads. It also has an interest in eliminating nonstate actors who aspire to similar status and challenge this system’s basic tenets. Even if this goal is largely impossible, it is an understandable one. That said, in al-Qaeda’s case, it is more social movement than state and, as such, cannot be physically eliminated or annexed.²⁵ However, the option of *détente* or negotiated settlement is also removed, leaving the United States without much choice other than indefinite, open-ended conflict.

This ongoing nature of the threat is also at odds with the practice of war. We may disagree about its definition, but in practice (in the United States) we can agree that wars are understood as discrete events with a beginning, a middle, and an end.²⁶ Although terrorism is political, it possesses some attributes that are more criminal in nature. In particular, it parallels crime in that, in many cases, terrorism is something more realistically managed than eliminated in its entirety.²⁷ Especially as time progresses and the terrorist group(s) erodes, one should have an increasing awareness of the need to accept the occurrence of some level of terrorism as an ongoing threat, just as police entities accept some level of crime as inevitable and ultimately tolerable. As long as the United States remains at war with al-Qaeda and its affiliates, any fund-raiser, conspiracy, or at-

tack (attempted or successful) is evidence that the war has not reached its goal of the “effective destruction” of al-Qaeda; therefore, the war must continue. The ultimate effect is an ongoing, indefinite conflict.

Equally importantly, wars end but not just in any manner. For the United States, they do so either through some form of withdrawal from the battlefield—as is happening in Afghanistan and as precipitated the Bergdahl deal—or through some type of negotiation and minimal concession. Wars rarely result in annihilation despite the absolutist rhetoric that usually transpires in times of conflict. Instead, they typically end with both participants still intact as functioning (albeit weakened) actors in international politics. Consequently, terms have to be decided upon so that hostilities do not continue—something largely unthinkable in the case of al-Qaeda. Even if members of that organization were willing to come to the table to offer terms of surrender, there is no reason to believe that the United States would be willing to meet them there. At a more individuated level, given the ongoing targeted killings, individual al-Qaeda members or affiliates who might be willing to discuss terms of surrender would view any US willingness to meet as a trick to force key individuals to congregate and thus better enable their erasure. One unfortunate side effect of the near-exclusive reliance on killing over capturing, combined with an unwillingness to negotiate terms to end the conflict, is that it leaves current terrorists with no way out. The rational decision is to remain terrorists, given that, as long as the United States is in a state of war, at any future moment they could find themselves the subject of an American strike, even for past misdeeds.

Finally, the practice of war poses unique legal concerns for this conflict. For the United States, the end of a war necessitates prisoner exchange since there is no longer a reason to hold individuals—regardless of whether they are legally considered a soldier, enemy combatant, or unlawful combatant. The Bergdahl case was thorny, to be sure, for a variety of reasons, but it was at least with the Taliban—a former sovereign state regime. What will happen to the members of al-Qaeda were the war actually to end? How would the United States handle any captured members of *other* terrorist groups at that time? Guantanamo Bay remains open and is the most visible manifestation of this issue, internationally speaking, but the problem is not limited to one particular facility. Captured terrorists occupy a liminal space, and the current administration has largely sidestepped the issue of their ultimate disposition through its emphasis (in deed if not in word) on killing over capturing. Clearly, this issue will not go away and will complicate any attempt to end the conflict. As time goes on, the need to resolve the disposition of these individuals could conceivably encourage US policy makers to remain in a state of war rather than take the politically risky step of ending the conflict, at least partially, because it would necessitate returning individuals whom the United States has captured. One could see some of that thinking in the current debates regarding the new AUMF proposals, some of which revised or ended the 2001 AUMF entirely.²⁸

How Does It End?

Practices are hard to change—witness the fact that this war is already the longest in US history. More importantly, wars are not simply an organic outbreak of violence but the product of ideas and sociopolitical values. As long as the United States continues to treat a terrorist group—al-Qaeda or otherwise—as an enemy with whom it is at war, the United States will engage in actions that risk continuing the conflict indefinitely. Recognizing that a strategic framework of war makes certain actions appear “practical” reveals that as long as the United States continues to approach the threat from al-Qaeda and others as a war, it is unlikely to conclude because these actions are not optimal in the context of ending a terrorist campaign. This likelihood is not because of the difficulty in winning the conflict necessarily but because US actions will remain in line with the practice of war itself. War is not simply the utilization of violence in any fashion the United States or anyone else sees fit. The very meaning of war in the contemporary sense (for the United States) requires actions such as negotiated conclusions and the transfer of prisoners—actions largely at odds with broad historical trends in US counterterrorism policy.

The choice facing the United States is a daunting one that will demand a reformulation and reconceptualization of US counterterrorism policy. For over 14 years the United States has centered its strategy on war and the use of force, but other options exist and different strategic frames could be chosen. Moving away from a strategy of war is not a concession that “the enemy has won” or a move that precludes coordinated action and heavy resource investment to address the threat. It doesn’t even necessarily preclude the use of force—as amply demonstrated by the actions of presidents prior to 2001. But it does better enable a shift to strategies and frames that have been successful—especially in the end stages—of previous terrorist campaigns.

Should the United States move away from a central strategy of war, it could choose from many alternative frames. America could shift to a law enforcement model featuring a strategy of criminal justice designed to manage the threat; balance civil liberties with criminal prosecution; and plan active, preventive operations to foil attacks before they take place.²⁹ Alternatively, the United States could frame its efforts as seeking to split al-Qaeda into factions and reduce the threat by undermining its ability to coordinate. America could do so via a variety of instruments—strategic concessions, direct efforts to discourage adherents to their movement, or programs to encourage current members to exit the group.³⁰ Public diplomacy could be expanded to combat the presence and appeal of groups such as al-Qaeda and the Islamic State in areas like social media where they are most successful.³¹ The most likely solution is one that will combine these in one way or another, tailoring the overall strategy to the changing nature of the threat and evolving international context. Any such effort, though, will be made more difficult as long as the United States remains at “war” with al-Qaeda.³² Repealing the current AUMF, as some members of Congress have proposed, would remove military force as a first-line response and compel a broader congressional and public debate on how the United States should

move forward. It would also prompt a discussion about whether war is the appropriate frame for conceiving of and countering these threats. At a minimum, repealing the AUMF would be the first step toward identifying what the next phase should be in the conflict with al-Qaeda and whatever groups seek to take its place.

Notes

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2. Authorization for Use of Military Force, Public Law 107-40, 107th Cong., 18 September 2001, <http://www.gpo.gov/fdsys/pkg/PLAW-107publ40/pdf/PLAW-107publ40.pdf>; and President of the United States, *National Security Strategy* (Washington, DC: White House, May 2010), https://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

3. The administration claims as well that this declaration is justified under Article 2 of the Constitution, which guarantees presidents the power to protect the republic. See Jack Goldsmith, "The Obama Administration's Legal Justification for Strikes against the Islamic State in Syria," *Lawfare* (blog), 23 September 2014, <http://lawfareblog.com/obama-administrations-legal-justification-strikes-against-islamic-state-syria>.

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11. See, for example, Emanuel Adler and Vincent Pouliot, eds., *International Practices* (Cambridge, UK: Cambridge University Press, 2011).

12. Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999).

13. Pouliot, "Logic of Practicality," 258.

14. Didier Bigo, "Pierre Bourdieu and International Relations: Power of Practices, Practices of Power," *International Political Sociology* 5, no. 3 (September 2011): 226.

15. Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns* (Princeton, NJ: Princeton University Press, 2009), 7.

16. Russell Frank Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (Bloomington: Indiana University Press, 1977); and Max Boot, "The New American Way of War," *Foreign Affairs* 82, no. 4 (2003): 41–58.

17. See, for example, Audrey Kurth Cronin, "Behind the Curve: Globalization and International Terrorism," *International Security* 27, no. 3 (Winter 2002–3): 30–58; Bruce Hoffman, *Inside Terrorism*, rev. and ex-

panded ed. (New York: Columbia University Press, 2006); and Richard Jackson, "The Core Commitments of Critical Terrorism Studies," *European Political Science* 6, no. 3 (2007): 244–51.

18. Richard Shultz and Andreas Vogt, "It's War! Fighting Post-11 September Global Terrorism through a Doctrine of Preemption," *Terrorism and Political Violence* 15, no. 1 (2003): 1–30.

19. Maria Ryan, "War in Countries We Are Not at War With: The 'War on Terror' on the Periphery from Bush to Obama," *International Politics* 48 (2011): 364.

20. It is certainly the case that some insurgents use terrorism and that al-Qaeda has designs on a global caliphate, but terrorist groups are often separated from insurgents by the primacy of territory in their immediate concern and goals. It is one of the reasons why the Islamic State offers such a complicated threat and why some terrorist scholars do not consider the organization a terrorist group susceptible to traditional counterterror techniques. See Audrey Kurth Cronin, "ISIS Is Not a Terrorist Group: Why Counterterrorism Won't Stop the Latest Jihadist Threat," *Foreign Affairs*, March/April 2015, <https://www.foreignaffairs.com/articles/middle-east/2015-02-16/isis-not-terrorist-group>.

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23. Reiter, *How Wars End*, 186–211.

24. Jeh Johnson, "The Conflict against Al Qaeda and Its Affiliates: How Will It End?" (speech before the Oxford Union, Oxford University, 30 November 2012), <https://www.lawfareblog.com/jeh-johnson-speech-oxford-union>.

25. Martin Rudner, "Al Qaeda's Twenty-Year Strategic Plan: The Current Phase of Global Terror," *Studies in Conflict & Terrorism* 36, no. 12 (2013): 953–80; Bruce Hoffman, "Al Qaeda's Uncertain Future," *Studies in Conflict & Terrorism* 36, no. 8 (2013): 635–53; Peter Bergen and Paul Cruickshank, "Revisiting the Early Al Qaeda: An Updated Account of Its Formative Years," *Studies in Conflict & Terrorism* 35, no. 1 (2012): 1–36; Mary R. Habeck, *Knowing the Enemy: Jihadist Ideology and the War on Terror* (New Haven, CT: Yale University Press, 2006); and Mette Eilstrup-Sangiovanni and Calvert Jones, "Assessing the Dangers of Illicit Networks: Why al-Qaida May Be Less Threatening Than Many Think," *International Security* 33, no. 2 (2008): 7–44.

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27. Lindsey Clutterbuck, "Law Enforcement," in *Attacking Terrorism: Elements of a Grand Strategy*, ed. Audrey Kurth Cronin and James M. Ludes (Washington, DC: Georgetown University Press, 2004), 143.

28. Daskal and Wittes, "AUMF Consensus."

29. Clutterbuck, "Law Enforcement"; and Arie W. Kruglanski et al., "What Should This Fight Be Called? Metaphors of Counterterrorism and Their Implications," *Psychological Science in the Public Interest* 8, no. 3 (December 2007): 97–133.

30. Cronin, *How Terrorism Ends*, 9–13.

31. See, for example, Carnes Lord, *Losing Hearts and Minds? Public Diplomacy and Strategic Influence in the Age of Terror* (Westport, CT: Praeger Security International, 2006). For a more unorthodox proposal, see Kalev Leetaru, "A Few Good Twitter Trolls," *Foreign Policy*, 14 July 2015, <http://foreignpolicy.com/2015/07/14/islamic-state-twitter-recruiting/>.

32. Christopher McIntosh, "Counterterrorism as War: Identifying the Dangers, Risks, and Opportunity Costs of U.S. Strategy toward Al Qaeda and Its Affiliates," *Studies in Conflict & Terrorism* 38, no. 1 (2015): 23–38.

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