

Public Tolerance of Retributive Violence Against Insurgencies

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How tolerant are civilians of retributive violence against insurgents? We pose this question in the case of suspected Islamic State militants in Mosul Iraq. Using survey vignette experiments, we inquire about public tolerance for judicial as well as extrajudicial violence against insurgent combatants. We sample among ordinary civilians in Mosul who lived under Islamic State rule as well as ISIS-affiliated families in IDP camps outside Mosul. We find that Mosul civilians are more tolerant of capital punishment and extrajudicial killing of insurgent combatants than ISIS-affiliates, but more for reasons of security than revenge. In contrast, Mosul civilians are more likely to oppose the killing of insurgents if they believe such actions are counterproductive to long-term security goals. This tension speaks to the security dilemma surrounding retributive as well as strategic violence against insurgencies. Instead, the public interest may be better served through nonviolent strategies, to include negotiations with insurgent forces.

What should be done with insurgent combatants and their supporters? Do publics, who likely suffered under insurgent violence, show any compassion or restraint about how insurgents are treated? Are there any implications of insurgent treatment for long-term peace? We consider the compelling case of Islamic State (ISIS) combatants in the aftermath of the 2017 liberation of Mosul, Iraq. The harsh treatment of suspected ISIS loyalists by the Iraqi government, as well as ordinary civilians taking the law into their own hands, has been described by journalists and human rights organizations as a campaign of revenge (Taub 2018; HRW 2017; 2019). We investigate the extent to which ordinary Mosul civilians, who were subject to numerous abuses at the hands of ISIS insurgents, show any reservations about killing suspected ISIS militants. In survey experiments with nearly 600 Mosul residents including people with ISIS affiliations displaced in camps outside Mosul, we examine public tolerance of extrajudicial killing and the use of capital punishment in Iraqi courts against ISIS insurgents. We consider theoretic arguments and empirical evidence based on retributive grievance-based and strategic security-based rationales to understand public approval and opposition to the killing of insurgents.

First, we find that civilians who remain in Mosul are more tolerant of extrajudicial killing of ISIS supporters than people in IDP camps with ISIS-affiliations, which is consistent with selection on insurgent support and opposition driving population displacement and resettlement. However, we also show that Mosul civilians are sensitive to revenge versus security motives for extrajudicial killing. They punish perpetrators at higher rates for revenge-based as opposed to security-based rationales. This suggests publics are wary of civilian vigilantes taking the law into their own hands as part of an informal campaign of revenge.

Instead, we also find greater support among Mosul civilians for formal, state-sanctioned violence against ISIS insurgents via capital punishment under Iraqi law. However, Mosul civilians are less likely to consider the process as procedurally or substantively fair if insurgents voluntarily surrendered as opposed to being captured on the battlefield by Iraqi forces. Most importantly, we find that civilians are less likely to tolerate judicial or extrajudicial killing if they believe that ISIS insurgents would stop fighting in exchange for incentives to negotiate. Hence, publics identify linkages between negotiated settlements to conflict, the treatment of insurgents during the transitional justice process and prospects for lasting peace. In our analysis, we will show that publics are wary of retributive violence, condone strategic violence, but many favor strategic non-violence to achieve long-term security goals.

Literature

With ongoing counter-terror and counter-insurgency actions around the world, there is a growing interest in state, paramilitary, and civilian-driven violence against suspected insurgents and their supporters. While indiscriminate use of violence by the state has been viewed as generally counterproductive to fighting insurgencies (Valentino et al. 2004; Sambanis et al. 2012; Valentino 2014; Souleimanov and Siroky 2016, though see Lyall 2009), less is known about the effectiveness of selective legal and extra-legal targeting of insurgents as part of a long-term counter-insurgency and counter-terrorism strategy (Byman 2005; Hafez and Hatfield 2006; Eck and Hultman 2007). Still less is known about whether publics would support efforts to target insurgents using judicial and/or extrajudicial methods or whether publics would instead favor

offering concessions to insurgents in exchange for peace through negotiated settlements, a rarity in civil war (Cox 2019).

Here, we examine two distinct literatures on violence against insurgents which we believe merit further integration. The first involves extrajudicial violence through targeted killing of insurgents. The second involves state-sanctioned violence through executions following trials before domestic criminal or military courts. The case for greater synergy among these two literatures is compelling in part for the inter-play of formal and informal mechanisms and actors involved in carrying out and adjudicating violence, as well as limited case analysis of public support for the use of violence to counter terrorism and insurgency.

The first literature examines extrajudicial or targeted killing of insurgents. Much of it tends to focus on the legal justification for targeted killings as well as the underlying motivation of the state to selectively kill individual insurgents (Melzer 2008; Grayson 2016; Gunneflo 2016). From the legal perspective, there is intense debate over the authority of states to lawfully kill any civilian without due process, as evidenced by Israeli's counter-terrorism actions (Ketzmer 2005), the US war on terror (Murphy and Afsheen 2009; Chesney 2010; Ramsden 2011; McKelvey 2011) or the more recent killing of Iranian Quds Force commander, Qassim Suleimani. From the motivational perspective, Kessler and Wouter (2008) interpret extrajudicial killing as a form of risk management, where states engage in targeted killings based on a precautionary legal reasoning about uncertainty and imminent threat, which Guiora (2004) refers to as "active self-defense". Beyond the state, scholars are also turning attention to the role of paramilitary and informal civilian actors who carry out such activities with the implicit support or passive acceptance of the state (Staniland 2012; Jentzsch et al. 2015; Carey et al. 2015; Cohen and Nordås 2015). However, the danger of empowering informal actors to take the law into their

own hands either individually or in organized groups manifests through increased human rights violations and propensity for strategic mass violence (Mitchell et al. 2014; Ore 2017).

At present, little is known about public tolerance of extrajudicial killing of insurgents by either formal or informal actors. Most research on the subject examines support for strategic air strikes, such as drone attacks as part of anti-insurgent, anti-terrorist actions. Examining public opposition to US drone attacks in Pakistan, Fair et al. (2015) found that publics in tribal areas are often unaware that these attacks have taken place or the extent of their toll. In surveys in the United States, Kreps and Wallace (2016) find that many Americans question the legality and effectiveness of such targeted killing practices for counter-insurgency. However, other surveys have shown the American public to support restrictions on basic civil rights and liberties (Davis and Silver 2004; Davis 2007), torture (Gronke et al. 2010; Piazza 2015) and extrajudicial killing (Sagan and Valentino 2018; Nylén and Carpenter 2019) against suspected terrorists when they feel threatened. Unfortunately, little is known about public opinion toward targeting of insurgents and terrorists in other contexts to include large-scale ground operations by military and paramilitary forces or civilian vigilante groups.

The second literature we examine focuses on state-driven violence against insurgents through the criminal justice system, often via retributive transitional justice programs (Reiter et al. 2013; Vinjamuri and Snyder 2015; DeTommaso et al. 2017; Kim and Hong 2019; Cox 2019). However, unlike the extrajudicial paradigm, this strategy may offer insurgents to (or at least the appearance of) due process under law (Orentlicher and Goldman 2001; Conestaro 2004, Zoller 2018). Such strategies have often involved bringing combatants before domestic criminal courts (Smith et al. 2002), military commissions (Mundis 2002) or before international tribunals such as the International Criminal Court (Akhavan 2005). The retributive nature of such proceedings

often vary according to the presence/absence of post-conflict settlement agreements with insurgent forces (Gates et al. 2007; Kim and Hong 2019; Cox 2019). In these cases, retribution is not the only option states can pursue. Restorative justice approaches of the truth and reconciliation format often offer amnesty to insurgents (Wilson 2001; Braithwaite 2002; Gibson 2004; Cobban 2015, Dancy 2018). Rehabilitative justice typically involves some form of prison sentence followed by reintegration into society (Raynor and Robinson 2005; Robinson and Crow 2009; Berdal and Ucko 2009). In contrast, retributive justice may include life-long sentences or capital punishment and can serve both revenge seeking and deterrent purposes (Vidmar and Miller 1980; Darley et al. 2000; Vidmar 2002; Darley and Pittman 2003; Hood and Hoyle 2015, Kim and Hong 2019; Cox 2019). States may also exploit judicial retribution for political gain through show trials, where the outcome is essentially predetermined and a trial only has the trappings of due process (Szász 1971; Koskenniemi 2002; Koestler 2015). Little is known, however, about how publics, especially in insurgent areas, view different legal strategies for holding former insurgents accountable for violence. We will focus on public support for the most severe form of retributive justice: capital punishment, which has not received sufficient attention.

In summary, there is a lack of integration between the literature on extrajudicial versus prosecutorial strategies in dealing with suspected insurgents. Furthermore, public support for either or both approaches is not well understood. Our research aims to bridge these important but hitherto disparate research programs and address gaps in the literature with new evidence from insurgent-affected areas. In our study we consider how publics in conflict environments may support informal extrajudicial as well as formal judicially-sanctioned killing of insurgent combatants, with implications for transitional justice and long-term peace and stability.

Theory and Hypotheses

Why should public opinion matter with respect to the fate of insurgents and why might publics support or oppose the use of formal and/or informal violence against them? First, if formal and informal violence is ultimately carried out by states, via their militaries and their courts, what role does public opinion play in the process? We argue that public opposition or support could provide an important foundation for entrepreneurial elites to legitimate strategic goals and objectives against insurgents and their supporters (Kim and Hong 2019; Cox 2019). Both judicial and extrajudicial killing could be linked to furthering eliminationist (i.e. “drain the sea”) strategies against insurgents (Valentino et al. 2004, Valentino 2014). If publics are generally condoning of extrajudicial killing, then it provides political cover for elites to excuse their militaries and security services when violating laws of war, or for paramilitaries, vigilante groups, and ordinary civilians who take the law into their own hands. If publics are supporting of harsh punishment of insurgents through the courts, then elites may also justify state-sanctioned killing (via capital punishment) as fulfilling the will of the people, regardless of due process violations and the rule of law. Public support for retributive justice could also have implications for the reintegration of insurgents into society where they are likely to face ongoing hostility and stigma. As such, retribution may be detrimental to the long-term goals of transitional justice (Teitel 2000, 2015; Elster 2004).

To explain why publics would support both judicial and extrajudicial violence against insurgents, we consider retributive or grievance-driven and strategic security-driven perspectives common to the literature (Valentino 2014). While most research on civil war focuses on grievances as drivers of insurgent violence (Cederman et al. 2013; Dyrstad and Hillesund 2020),

less has been done to understand grievances driving violence against insurgencies. Research in psychology and criminology underscore a strong relationship between retributive justice and revenge (Vidmar 2002; Zaibert 2016; Osgood 2017; Jackson et al. 2019). Grievances might explain why publics who oppose insurgent groups would favor retributive violence against them. We test the following hypothesis:

H1 (Retributive Violence): Grievances increase public tolerance of judicial and extrajudicial killing of insurgents.

In terms of mechanisms, we focus on victimization and blame attribution. Civilian victimization provides a substantive cause for grievances against insurgents (Wood and Kathman 2014; Stewart and Liou 2017; Lichtenheld 2020), while blame attribution provides the link between victimization and the culpability of insurgents (Balcells and Steele 2016; Hirsch-Hoefler et al. 2014). Even if the victimization itself were endogenous to a priori insurgent opposition, we would anticipate that anti-insurgency civilians who were victimized by insurgent forces would be even more supportive of retributive violence than those who were not victimized. Victims of violence may also be more hostile to the reintegration of former insurgents into society, or use reintegration as an opportunity to carry out revenge killings.

As a counter-hypothesis, we consider whether support for both judicial and extrajudicial killing could be strategic and security-driven in nature. Insurgents may pose a continued low-level security threat even after defeat. Publics may be especially sensitive to the prospect of future insurgent violence, leading them to justify violence against insurgents as much for deterrence as for punishment (Gordon and Arian 2001; Huddy et al. 2005; Huddy and Feldman

2011). Elites may also draw upon public insecurities as a rationale for carrying out “drain the sea” campaigns against insurgents (Kaufman 2004; Jackson 2013). Security concerns could provide the basis for targeted violence as part of long-term low-level counter-insurgency and counter-terrorism operations, especially in the absence of any negotiated settlement with insurgents. We expect publics who see insurgents as a security concern to favor judicial and extrajudicial violence. We test the following hypothesis:

H2 (Strategic Violence): Security concerns increase public tolerance of judicial and extrajudicial killing of insurgents.

In terms of mechanisms, we focus on threat perception and willingness to condone the use of violence for the sake of security (Canetti et al. 2019). People who feel more threatened by insurgents may support the use of judicial as well as extrajudicial strategies to eliminate them. Consistent with elite rhetoric, people may also justify the use of violence as necessary for public safety and security over concerns about insurgent due process, human rights or the rule of law.

Finally, we consider whether publics recognize a potential domestic security dilemma with respect to counter-insurgency violence (Field 2017). Security dilemmas emerge where efforts to increase one’s security can have the unintended consequence of making one’s actual security worse off (Jervis 1971; Posen 1993). While some might view killing insurgents as either a just response to avenge grievances or a sound security strategy, others might regard judicial and extrajudicial killing as ultimately counterproductive to ending insurgency. Evidence shows that violence against civilians has often been detrimental to counter-insurgency and counter-terrorism operations, driving more people into insurgent ranks and prolonging conflict (Sambanis

et al. 2012; Souleimanov and Siroky 2016; Pechenkina and Thomas 2020). We argue that publics are more likely to oppose legal or extralegal violence against insurgents if they see such actions as inhibiting long-term security goals. Instead, they may favor a strategic nonviolent approach to dealing with insurgents.

One approach we consider is whether there is public support for a negotiated settlement with insurgents (Findley 2013; Kaplow 2016; Huang 2016). First, we argue that individuals who firmly believe that insurgents will never stop fighting should be more favorable to the logic of H1 or H2, supporting judicial and extrajudicial killing as a justifiable means to combat ruthless and relentless insurgent violence or possibly as a “diplomacy of violence” strategy to induce insurgents into surrendering (Schelling 2020). However, we argue that individuals who think insurgents would stop fighting if granted concessions through negotiations are more likely to view judicial and extrajudicial killing as counterproductive to the bargaining process. Prospects of murder and execution (as well as torture) at the hands of one’s adversaries is not conducive to trust, and negotiated settlements provide one means, not without challenges, to extract credible commitments to prevent future violence (Walter 1997). If publics see value in negotiations, they may oppose retributive and/or strategic violence against insurgents. We test the following hypothesis:

H3 (Strategic Non-violence): Beliefs about the efficacy of negotiating with insurgents will decrease public tolerance of judicial and extrajudicial killing.

In summary, we examine whether public tolerance for violence against insurgents is likely conditional to grievances and concerns about security. Note that our hypotheses do not compare the relative preferences of extrajudicial versus judicial strategies against insurgents. Instead, we focus on common factors that might underscore support for both measures as part of a holistic eliminationist i.e. “draining the sea” strategy. We elaborate on this point further in the research design. We now turn to our case study, the treatment of Islamic State insurgents and their supporters in the aftermath of the liberation of Mosul, Iraq.

Rationale for Case Study

Mosul, Iraq provides a compelling case for gauging public opinion regarding judicial as well as extrajudicial killing. The Islamic State ruled over Mosul with brutal efficiency from 2014-2017 utilizing both judicial and extrajudicial violence to impose order (Abdulrazaq and Stansfield 2016). The liberation of Mosul destroyed nearly half the city (West Mosul), and upended much of the civilian population, which had not already fled ISIS rule. The liberation itself was a drawn-out door-to-door street fight with insurgents, during which Iraqi forces showed their own propensity for brutality against suspected ISIS fighters and civilian supporters. Human rights groups have documented widespread violations in the treatment of ISIS supporters during and after the liberation to include extrajudicial killings and arbitrary judicial executions following detention, torture, forced confessions, and mock trials with no pretense to the rule of law (Belkis 2017; Human Rights Watch 2017; 2019). Taub (2018) refers to the process as a “campaign of revenge”.

Even before ISIS, judicial executions and extrajudicial violence were prevalent in Iraq. Under Saddam Hussein, political opponents were often executed following elaborate show trials, torture, and forced confessions (Blaydes 2018). After the 2003 US invasion of Iraq, the death penalty was briefly suspended under the Coalition Provision Authority, only to be reinstated by the Iraqi government in 2004. Since then, a number of high profile insurgents, terrorists, and former Baathists have been executed, most notably Saddam Hussein himself (Parker 2005). The post-2003 invasion also unleashed a torrent of extrajudicial violence (Staniland 2012). Based on the Iraqi Body Count database, Hicks et al. (2011) estimate that between 2003 and 2008, 92,614 Iraqi civilians died as a direct result of insurgent/counter-insurgent violence, of which 74% were killed by unknown perpetrators. 19,321 of those civilian deaths were in the form of extrajudicial killings by unknown agents, in some cases involving torture before execution (5,697).¹ Given the prevalence of both judicial and extrajudicial killing prior to, during, and after ISIS occupation, we argue that Iraq is a useful case to understand public tolerance of extrajudicial violence against suspected insurgents.

In our study, we examine public tolerance of judicial execution as well as extrajudicial killing of ISIS members. Such concerns are common to many cases of transitional justice beyond the Iraqi case (Teitel 2000; 2015). Specifically, publics who desire revenge against insurgent forces and their supporters could encourage entrepreneurial elites to pursue harsh retribution against insurgents for political gain. This could include prosecutorial zeal in handing down capital punishment to insurgents regardless of due process considerations, as well as failure to

¹ Far fewer deaths were directly attributable to Coalition (12%) and Anti-Coalition forces (11%). Only a handful of extrajudicial killings were attributed to Coalition (54) and Anti-Coalition forces (316) during that period by Hicks et al. (2011).

prevent extrajudicial killings of insurgents and their supporters. Elites might actively encourage such eliminationist practices in order to “drain the sea”, potentially giving fuel to insurgencies they seek to stamp out (Downes 2007; Valentino 2004; 2014).

Finally, we should also note that, like most civil wars, there has been no negotiated settlement between the Iraqi government and ISIS (Kaplow 2016). Though the government declared victory following the liberation of Mosul in 2017, this remains an active conflict, with ISIS carrying out low-intensity violence in Iraq. Hence we see the ISIS insurgency as comparable to other cases of insurgent violence where public opinion might impact government counter-terrorism and counter-insurgency strategies. Within this broader context, we now turn to specifics of our research design.

Research Design – Public Support for Extrajudicial Killing

We examine public support for judicial and extrajudicial killing employing two distinct research designs. These designs capture public responses to two dimensions of counterinsurgency violence, formal and informal. In the extrajudicial design, we focus on public tolerance of informal counter-insurgency violence against insurgents. In the judicial killing design, we examine public support for legalized, state-sanctioned violence against insurgents.²

² An alternative design strategy would be for us to compare the relative strength of public support for judicial vs. extrajudicial killing using an integrated research design. However, we worried that social desirability bias might lead respondents to downplay support for extrajudicial killing vis-à-vis judicial execution. We suspect most civilians would favor judicial executions over unlawful extrajudicial killing, though this remains to be empirically tested. Instead, we offer

To evaluate public tolerance of extrajudicial killing, we employ a survey vignette experiment. We use a vignette as an indirect measure of support for extrajudicial killing due to concerns about self-censoring with direct measures, and challenges with fielding list experiments.³ In the extrajudicial killing vignette, subjects are asked to make a decision about how to punish a local Mosul civilian who is accused of killing a suspected ISIS supporter after the liberation of Mosul. Subjects receive one of the two versions of the vignette, randomly determined. The treatment conditions compare punishment preferences depending on the civilian's motives for the killing: revenge or security, which are consistent with theoretical rationales for civilian violence discussed in the literature (Valentino 2014) and provide an initial test of Hypotheses 1 and 2. The grievance and security treatments are as follows:

1. Grievances Treatment

After the liberation of Mosul, witnesses have come forward claiming that a local civilian named Ali killed an ISIS supporter in his neighborhood. Witnesses claim that he was motivated by revenge. If the claims are true, what do you think should be done with Ali?

2. Security Treatment

two distinct designs, focusing on common factors that might encourage public tolerance of both judicial and extrajudicial killing as part of a holistic “kill them any way you can” strategy of eliminationism.

³ An alternative would be to use a list experiment, but we have found those to be cognitively taxing for Iraqi civilians and enumerators, leading to response errors (Ahlquist 2018). They also require a larger sample size.

After the liberation of Mosul, witnesses have come forward claiming that a local civilian named Ali killed an ISIS supporter in his neighborhood. Witnesses claim that he was motivated to prevent ISIS from using his neighborhood to plan future attacks. If the claims are true, what do you think should be done with Ali?

Response options in both cases range from 1 = amnesty, he should be pardoned, 2 = short-term prison sentence, 3 = a long-term prison sentence, 4 = life in prison, or 5 = the death penalty. If subjects are more sensitive to grievances against ISIS (H1) than security threats (H2), then they should favor lesser punishment when the civilian kills an ISIS supporter out of revenge. Beyond treatment effects, we can also assess punishment preferences based on one's affiliation with ISIS, which we proxy by comparing different sampling locations in and around Mosul. Specifically, we argue that many ISIS supporters were purged from Mosul after the liberation into IDP camps, such that ordinary civilians who remain inside Mosul after the liberation are more likely to have experienced ISIS victimization and more opposed to ISIS, while refugees displaced into camps are more supportive of ISIS due in part to familial and personal affiliations with the organization. We can also evaluate grievance-based motivations using items in our survey measuring ISIS victimization and blame attribution toward ordinary ISIS supporters for ISIS crimes. Victimization, blame attribution, and lack of ISIS affiliation could amplify support for the perpetrator, resulting in lower punishment preferences in the grievance treatment.

In contrast, if subjects are more concerned about security (H2) than revenge (H1), they should favor lesser punishment when the motive for killing is to protect one's neighborhood from future attack. Beyond treatment effects, we can also explore whether one's degree of ISIS

affiliation serves as an indicator of security concerns, proxied by sampling location. Ordinary civilians in Mosul may be more likely to see ISIS as a threat than those with ISIS affiliations in refugee camps outside Mosul. They may therefore be more tolerant of extrajudicial killing for security-driven rationales compared to people with ISIS affiliations in the camps. To further assess security motivations, we employ survey instruments measuring justification for using violence to satisfy “the will of the people” or for a “just cause”. Subjects who feel more threatened by ISIS should be more willing to justify the use of violence, and therefore less likely to punish a civilian for eliminating a potential ISIS security threat.

Finally, according to H3, we would expect subjects who believe extrajudicial killings are ultimately counterproductive will be more likely to punish a civilian for taking the law into his own hands, regardless of his motives. To evaluate our security dilemma hypothesis, we ask subject whether they believe ISIS would surrender under certain conditions, and we assess whether that belief makes them more opposed to eliminationist practices, leading to harsher punishment preferences. Collectively, our survey instruments and sampling protocols will help us identify grievance, security, and security dilemma dimensions of public tolerance for extrajudicial killing.

Research Design – Public Support for Judicial Killing

To investigate public support for judicial execution of ISIS combatants, we employ a second survey vignette that focuses on public perceptions of the fairness of judicial outcomes involving capital punishment for ISIS detainees. Our vignette presents the case of an ISIS fighter who is standing trial for his role in ISIS. The key treatment is whether the fighter has voluntarily

surrendered or was captured on the battlefield. However, the outcome of the trial is the same. The fighter is given the death sentence, and we ask respondents to react to this verdict under different capture vs. surrender treatment conditions. The text of the vignette is provided below:

1. Capture Treatment

During the liberation of Mosul, Fadhil was an ISIS fighter who was captured by Iraqi Army forces during a firefight on the battlefield. At his trial, Fadhil had a lawyer and was able to speak in his defense. The judge decided to sentence Fadhil to death.

2. Surrender Treatment

During the liberation of Mosul, Fadhil was an ISIS fighter who voluntarily surrendered to Iraq Army forces without fighting. At his trial, Fadhil had a lawyer and was able to speak in his defense. The judge decided to sentence Fadhil to death.

After the subject is read the randomly assigned vignette, the enumerator asks whether the subject agrees or disagrees with the following five statements “He had a fair trial”, “He was guilty”, “Witnesses were telling the truth”, “The judge made the right decision”, “The sentence was proportional to the crime”, and “The sentence was motivated by revenge”. Response options range from Definitely Yes, Probably Yes, Probably Not, and Definitely Not for each item.

If subjects are motivated by grievances (H1) they may support capital punishment for an ISIS fighter regardless of whether he was captured or surrendered. Survey items measuring victimization and blame attribution should help identify underlying grievances against insurgents. In contrast, subjects who are motivated by security threats (H2) may be more

concerned about a hardened fighter captured on the battlefield than one who voluntarily surrendered. They could therefore be more accepting of the death penalty in the capture treatment than in the voluntary surrender treatment. We use items in the survey measuring beliefs about the use of the death penalty for certain crimes to reveal motives for dealing with security threats. Finally, if subjects are concerned about the security dilemma implications of executing ISIS combatants (H3), they may be wary of supporting capital punishment, especially under the surrender treatment. If ISIS fighters who voluntarily surrender are still ultimately executed, they have little incentive to stop fighting. We measure awareness of such security dilemmas by asking respondents whether they believe ISIS would stop fighting if offered concessions to include foregoing capital punishment. In general, we predict that ISIS affiliates in IDP camps should be more opposed to capital punishment, regardless of treatment conditions, than Mosul civilians. However, we probe for whether Mosul civilians might also consider the death penalty as counterproductive to incentivizing ISIS to stop fighting. With these two designs in place, we now turn to data collection and sampling.

Sampling and Data Collection

We conducted our research in two primary locations: the city of Mosul and in camps for internally displaced persons (IDPs) outside Mosul. Sampling inside Mosul enabled us to capture the perspectives of ordinary civilians who had lived under ISIS rule but who generally welcomed liberation by the Iraqi military in 2017. Sampling in IDP camps allowed us to compare perspectives of ordinary civilians to those with stronger ISIS affiliations. The comparison is

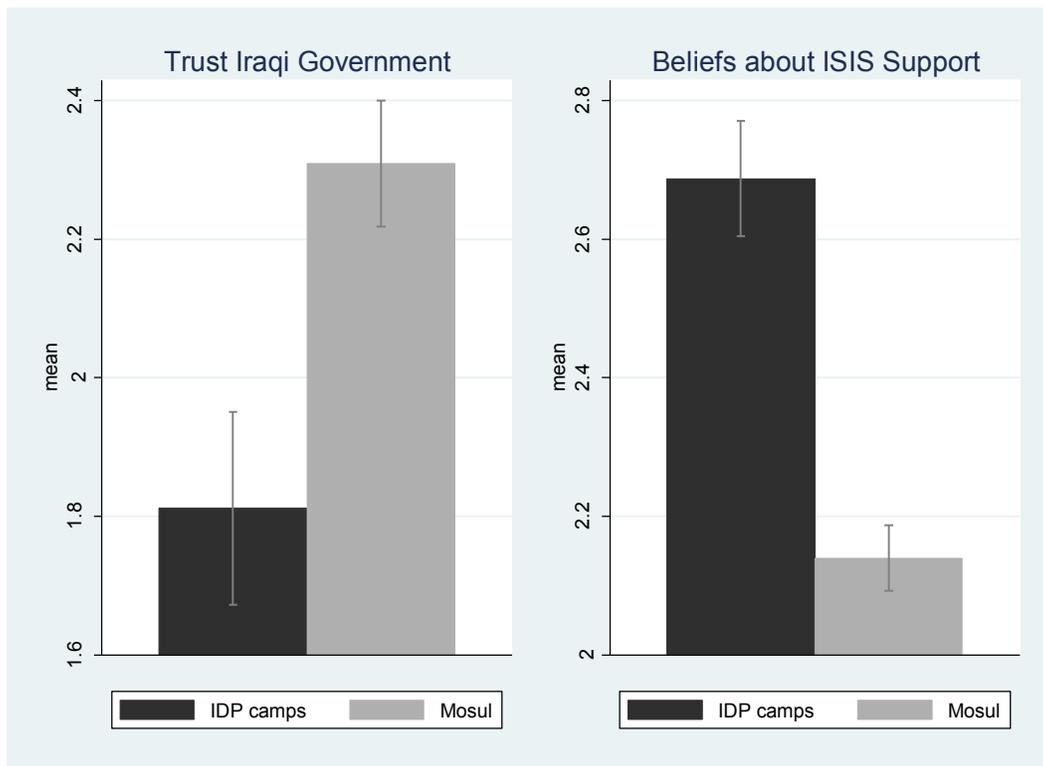
especially helpful for understanding how grievances and security concerns, as well as ISIS loyalty, might impact support for judicial and extrajudicial killing.

The Mosul survey was conducted between December 23-30, 2018 in eleven neighborhoods in both East and West Mosul, and the IDP camp survey was carried out between January 10-25, 2019 in three out of fifteen IDP camps on the outskirts of Mosul (See Online Appendix for further sampling details including ethical considerations for the conduct of this research). Neighborhoods in the Mosul study were randomly selected, while IDP camps were purposively sampled based on common knowledge about which camps were typically housing ISIS affiliates and their families who fled Mosul after the liberation. Residents of the camps, which are administered by the Iraqi military, are free to come and go, but most stay in the camps because their homes in Mosul are destroyed, they have nowhere else to go, and may fear retribution for their role in ISIS should they return to Mosul.

To assess ISIS affiliation in the camps, we asked respondents a series of questions about whether they or their family members fought or worked for ISIS. Although there may be self-censoring of responses, a total of 91% of IDP camp respondents indicated some form of ISIS affiliation to include having worked for ISIS (21%), fought for ISIS (17%), having family members who worked for ISIS (55%) and having family members who were put on trial for their role in ISIS (64%). In contrast, no one in the Mosul city survey indicated an ISIS affiliation, which could be at least partially due to self-censorship. As an additional check on ISIS sympathy in the camps relative to Mosul civilians, we asked all respondents how much they trusted the Iraqi government, and to assess the level of support ISIS enjoyed within the city of Mosul before

liberation.⁴ Figure 1 shows that mean trust in the Iraqi government is significantly higher in Mosul compared to IDP camps, while beliefs about ISIS support in Mosul are significantly greater in IDP camps compared to the Mosul sample. These stark differences help validate our claims about selection on insurgent support in population displacement during the 2017 liberation. The Mosul sample is comprised largely of individuals who opposed ISIS, while the IDP camp sample represents people who supported and were affiliated with ISIS in some way.

Figure 1. ISIS vs. Iraqi Government Support in Mosul and IDP Camp Samples



⁴ We use this instrument as a proxy for direct measures of ISIS support due to concerns about social desirability bias in revealing ISIS loyalties. Instead, we argue that people who supported ISIS may be more likely to see others in Mosul as having supported ISIS as a form of psychological projection.

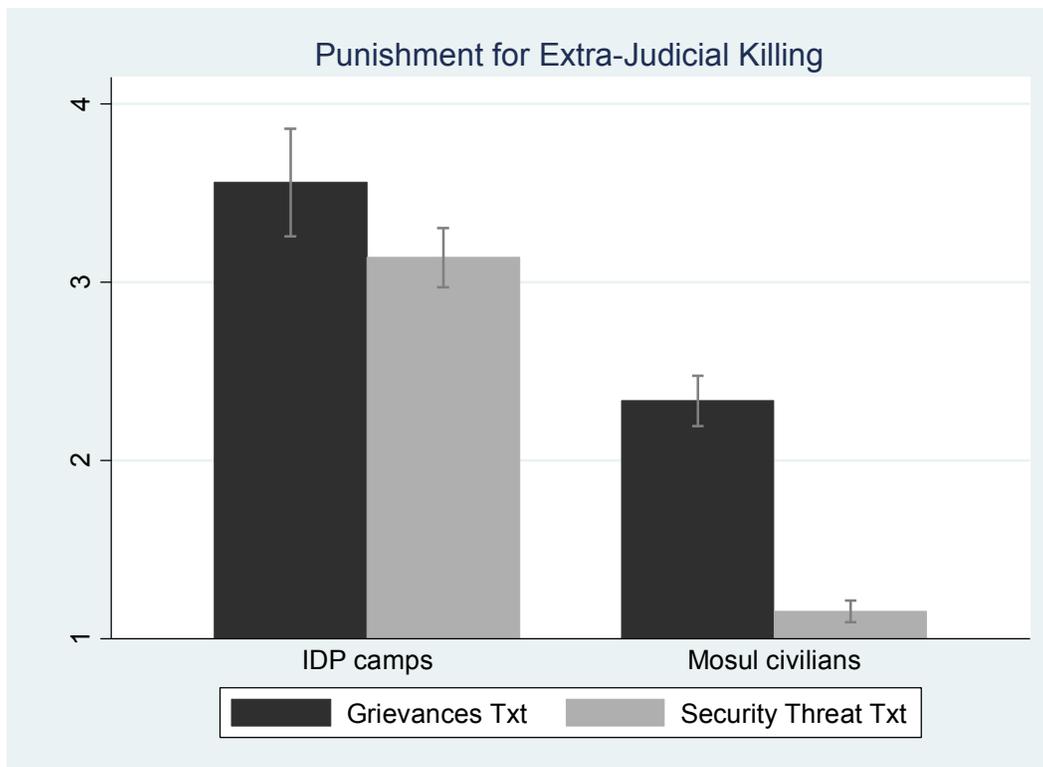
Finally, the IDP camp and Mosul city samples reflect certain demographic imbalances that reinforce conventional wisdom about ISIS supporters. The IDP camp sample is of lower income and education, and has fewer female participants (24% vs. 17% respectively). The samples are more balanced on age and labor demographics (See online appendix). We will control for imbalances in subsequent analysis, but the samples provide a window into two worlds of ISIS support and opposition in Mosul, with likely implications for how judicial and extrajudicial killings are perceived.

Results – Public Support for Extrajudicial Killing

We begin by examining results from our extrajudicial killing vignette experiment for the case of a local Iraqi civilian who is accused of killing of an ISIS supporter in his neighborhood. In one version, witnesses claim the civilian killed the ISIS supporter for revenge, while in the other version, his motives are to protect his neighborhood from a future attack. Punishment options for the civilian range from 1 = amnesty, 2 = short-term prison sentence, 3 = long-term prison sentence, 4 = life imprisonment to 5 = death penalty. Consistent with H2, t-tests indicate that the average punishment in the revenge treatment is significantly greater than in the security treatment ($t = 6.11$, $p < 0.0000$). The average punishment ranges between a short and long-term prison sentence in the revenge treatment (mean = 2.58, sd = 1.14) compared to short-term prison in the security threat treatment (mean = 1.98, sd = 1.23). However, the treatment effects are more nuanced when comparing across Mosul city and IDP camp subsamples, which proxy for level of ISIS affiliation. Figure 2 reports the mean responses to the grievances and security treatments for

Mosul civilians vs. IDP camp residents. In both subsamples, there is greater support for punishment in the grievance treatment than in the security threat treatment, but the treatment effect is stronger among Mosul civilians ($t = 15.08$, $p < 0.0000$) than IDP camp respondents ($t = 2.39$, $p < 0.0096$). IDP camp members generally prefer long-term to life imprisonment for extrajudicial killing, while Mosul civilians favor more short-term sentences in the grievance treatment to even amnesty in the case of the security threat treatment.

Figure 2. Extrajudicial Killing Vignette Treatment Effects by Location



Overall, the survey vignette indicates that respondents are more willing to condone extrajudicial killing when motivated by security threats (H2) than grievances (H1). To further explore grievance vs. security motives as well as awareness of possible security dilemmas created by extrajudicial killing (H3), we turn to multiple regression models. Table 1 provides results from ordinary least squares regression (OLS) where the dependent variable is an ordered

variable of punishment preferences ranging from 1 = amnesty to 5 = death penalty for extrajudicial killing in the survey vignette. Model 1 indicates the basic security treatment effect, showing that subjects are less willing to punish an extrajudicial killing when motivated by ISIS security threats (H2) than by personal grievances (H1). Model 2 shows that Mosul civilians, who are generally opposed to ISIS, punish extrajudicial killing to a lesser extent than IDP camp members, many of whom have ISIS affiliations. Finally, Model 3 includes demographic controls as well as variables that might help clarify mechanisms underlying grievances, security threat, and security dilemma concerns about extrajudicial killing. The control for Mosul is excluded here due to multi-collinearity with grievance and security items. Compared to those in IDP camps, Mosul civilians are more likely to blame ordinary ISIS supporters for ISIS crimes, to see the use of violence as justifiable, and to express doubt about ISIS willingness to surrender, even if granted concessions.⁵

In terms of grievance mechanisms (H1), there is mixed support in Model 3. We do not find a direct correlation between victimization by ISIS (as measured by an index of self-reported victimization events including punishment, injury, imprisonment, death/injury of family members by ISIS) and punishment preferences. However, we do find a relationship between ISIS blame attribution and support for extrajudicial killing. Individuals who place greater blame on ordinary ISIS members for crimes committed by ISIS are less punitive of extrajudicial killing. There is also mixed support for security threat-related mechanistic explanations (H2). To understand security-related preferences for violence, we ask respondents if they agree that “it is sometimes necessary to use violence to support a just cause” and “the will of the people is more important than the rule of law”. We find that the second item predicts lesser punishment

⁵ See online appendix for further detail on Mosul vs. IDP camp comparisons.

preferences related to extrajudicial killing, which suggests how some respondents might justify violence as necessary for public safety (see Appendix Table 1 for additional coding details on independent variables).

Finally, we find support for H3 using an index measuring belief about whether ISIS would stop fighting if the government would grant them certain concessions in exchange for peace. Respondents were asked whether they think ISIS would stop fighting if offered amnesty, pardoned, promised a fair trial, offered protections against torture, a suspension of the death penalty, among other guarantees. The “negotiate with ISIS” index ranges from 1 = definitely not to 4 = definitely yes. Model 3 indicates that subjects who believe ISIS would stop fighting if offered concessions are more willing to punish extrajudicial killing, suggesting that they view extrajudicial killing as counterproductive to the long-term interests of demobilizing ISIS. This underscores the linkages between extrajudicial killing and the potential for future violence in people’s minds. Among demographic controls, only age is negatively correlated with harsher punishments.

Table 1. Punishment for Extrajudicial Killing (OLS regression)

VARIABLES	(1) Support Punishment	(2) Support Punishment	(3) Support Punishment
Security txt	-0.597*** (0.0978)	-0.976*** (0.0763)	-0.887*** (0.0880)
Mosul		-1.739*** (0.0849)	
Negotiate with ISIS			0.360*** (0.0637)
Violence just			-0.0353 (0.0500)
Will of people			-0.225*** (0.0467)
Blame ISIS civilians			-0.403***

			(0.0471)
victimization			-0.0139
			(0.0494)
female			-0.0476
			(0.1000)
age			-0.00756**
			(0.00385)
education			0.00177
			(0.0508)
income			0.0110
			(0.0602)
professional			-0.0625
			(0.139)
laborer			0.0462
			(0.131)
unemployed			0.118
			(0.126)
moved			-0.134
			(0.0911)
Constant	3.177***	4.947***	4.903***
	(0.158)	(0.158)	(0.451)
Observations	595	595	592
R-squared	0.058	0.477	0.387
adj. r2	0.0562	0.475	0.372

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

In summary, public tolerance of extrajudicial killing of ISIS members appears conditional to motive. We find subjects are less likely to tolerate killing for grievance-based motives (H1) than out of security threat (H2). However, publics perceive a potential security dilemma that arises from extrajudicial killing of suspected ISIS supporters. Consistent with H3, those who believe ISIS would stop fighting if granted meaningful concessions through negotiations are less likely to support extrajudicial killing. Instead, they recognize that killing ISIS supporters may only strengthen ISIS's resolve to continue fighting.

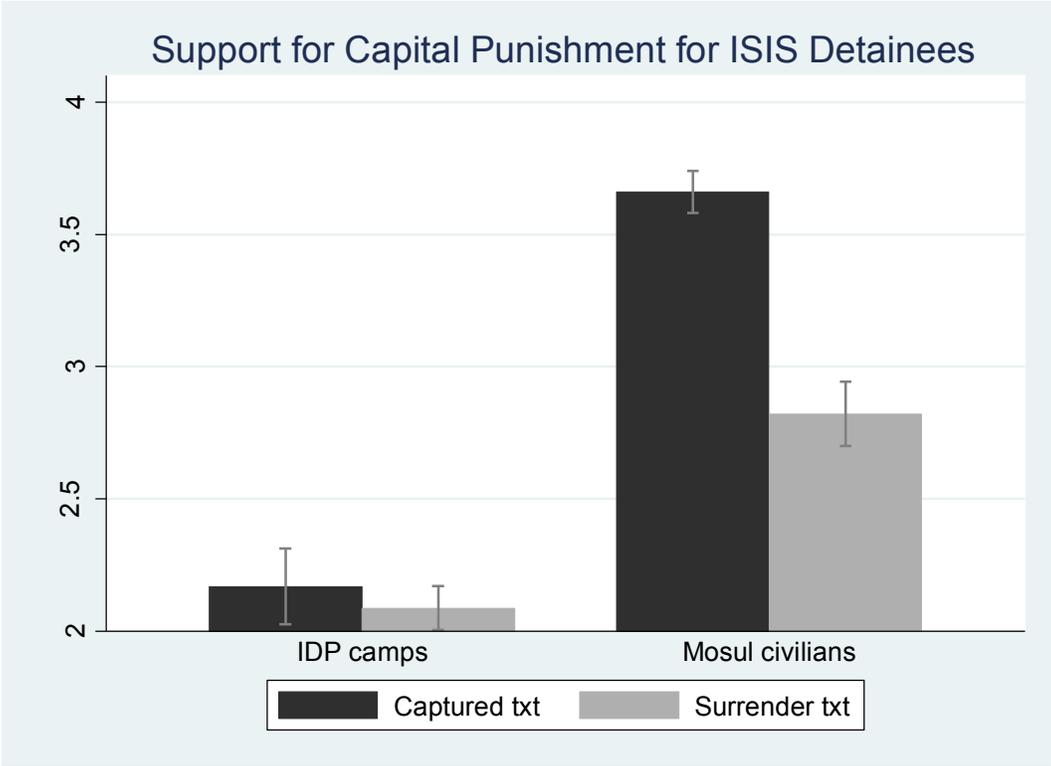
Results – Public Support for Judicial Killing

We now turn to our judicial killing vignette, which presents the case of an ISIS fighter who is standing trial before an Iraqi court. The key treatment is whether the fighter is captured while fighting on the battlefield or voluntarily surrenders to Iraqi forces. In this vignette, the outcome of the trial is the same for both treatments: the judge sentences the fighter to death. Respondents are then asked a series of five questions regarding the fairness of his trial, whether they think the judge made the right decision, whether the sentence was proportional to the crime, whether the sentence was motivated by revenge, and whether they would have preferred an alternative sentence to death ranging from 1 = amnesty to 4 = life imprisonment, consistent with the options in the previous punishment vignette (excluding the death penalty). Factor analysis indicated that responses to these items aligned on one dimension, and we combine responses into an index of support for the execution of an ISIS detainee (see online appendix for more details).

When comparing basic treatment effects across this execution support index, we find that subjects in the surrender treatment are less likely to see capital punishment as a fair outcome than those in the capture treatment (12.37, $p < 0.0000$). However, when controlling for ISIS affiliation via Mosul vs. IDP camp comparisons, Figure 3 shows that the treatment effect only applies to the subsample of Mosul civilians ($t = 11.31$, $p < 0.0000$). There is no significant treatment effect for respondents in IDP camps outside Mosul ($t = 0.99$, $p < 0.1624$). Compared to Mosul civilians, IDP camp members do not see the outcome of capital punishment as either just or fair regardless of the circumstances of how the ISIS fighter was detained. In both treatments, many IDP camp respondents favor either a long-term (58%), a short-term prison sentence (24%) or even amnesty (15%) in lieu of the death penalty. In contrast, Mosul civilians are much more accepting of capital punishment in general than IDP camp members, but especially when the insurgent has

been captured as opposed to surrendering voluntarily. In the capture treatment, most Mosul civilians could accept a life sentence (79%) or long-term incarceration (13%) as an alternative to capital punishment. In the surrender treatment, a slim majority (54%) still support a life sentence, but nearly one-third (32%) would support long-term imprisonment as an alternative to death.

Figure 3. Judicial Killing Vignette Treatment Effects by Location



To what extent do these treatment effects capture underlying grievances, security threats or security dilemmas outlined in our three hypotheses? To further explore mechanisms underlying public support for judicial execution, we turn to regression models. Table 2 provides OLS estimates of the effect of our experimental treatments on tolerance of judicial killing based on our execution support index, which ranges from 1 = low support for the trial outcome to 4 = high support. Model 1 indicates the basic treatment effect where subjects are less supportive of the outcome in the surrender treatment than in the capture treatment. Model 2 indicates that Mosul civilians are more supportive of the death penalty outcome than those in the IDP camps. Finally, Model 3 attempts to unpack grievance vs. security motivations behind public support. The Mosul control is again excluded due to multi-collinearity with blame and security IVs. Mosul civilians are more willing to attribute blame to ordinary civilians for ISIS crimes, more willing to justify the death penalty for certain crimes, and less likely to believe ISIS would surrender if granted concessions compared to subjects in IDP camps.⁶

Model 3 shows that victimization and blame attribution are not significant predictors of public support, which undermines some of the grievance-based logic of H1. In terms of security threat mechanisms related to H2, we ask people whether they agree that “the death penalty is just for certain crimes” which we find positively correlated with support for capital punishment in the vignette. Finally, our analysis lends support to H3. Model 3 indicates that subjects who believe ISIS would stop fighting if offered concessions through negotiations (using the same index as in Table 1) are less likely to see the death penalty outcome as fair. Similarly, those who agree that “court trials are biased against those suspected of supporting ISIS” are more opposed to the use of capital punishment (See Appendix Table 1 for coding). Among demographic controls, age is

⁶ See online appendix for further detail on Mosul vs. IDP camp comparisons.

correlated with increased support for execution. Higher income is also predictive of stronger support for execution, which is consistent with demographic variation among government and ISIS supporters in Mosul city versus IDP camps.

Collectively, these instruments suggest how some subjects perceive capital punishment to be counterproductive to long-term security interests. This is consistent with our results from the extrajudicial killing vignette and suggests a common theme in terms of how civilians appreciate the potential consequences of judicial and extrajudicial killing of insurgents. Overall, our capital punishment vignette indicates that security concerns (H2) dominate over grievances (H1), but that subjects show awareness of potential security dilemmas when executing ISIS insurgents (H3).

Table 2. Fairness of Capital Punishment (OLS regression)

VARIABLES	(1) Support execution	(2) Support execution	(3) Support execution
Surrender txt	-0.847*** (0.0684)	-0.634*** (0.0612)	-0.576*** (0.0642)
Mosul		0.978*** (0.0611)	
Negotiate with ISIS			-0.275*** (0.0445)
Courts biased			-0.153*** (0.0385)
Death penalty just			0.0728** (0.0291)
Blame ISIS			0.0246 (0.0313)
victimization			0.0142 (0.0415)
female			-0.0853 (0.0763)
age			0.00570**

			(0.00260)
education			-0.0152
			(0.0361)
income			0.151***
			(0.0399)
professional			0.0425
			(0.0977)
laborer			-0.0790
			(0.0960)
unemployed			0.101
			(0.0968)
moved			0.00362
			(0.0749)
Constant	4.209***	3.214***	4.041***
	(0.113)	(0.117)	(0.263)
Observations	595	595	591
R-squared	0.205	0.438	0.491
adj. r2	0.204	0.437	0.479

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Conclusion

Our analysis reveals that publics are more willing to tolerate judicial and extrajudicial killing of insurgents when they perceive insurgents as a security threat, but many are also mindful of potential security dilemmas when targeting ISIS insurgents. Our results have important implications within and beyond the Iraqi case. Within Iraq, our findings suggest that Mosul civilians are not committed to a widespread campaign of revenge against ISIS. In contrast, ordinary Moslawis, many of whom are victims of ISIS brutality, are wary of civilians taking the law into their own hands. While they appreciate security-driven motives for counter-insurgency violence, many Moslawis also recognize that targeting ISIS combatants could potentially embolden their resolve to fight. Their intuition appears validated by IDP camp members with ISIS affiliations, who are strongly opposed to the use of both capital punishment and

extrajudicial killing of ISIS in response to security threats. Instead, many see value in strategies that rely on negotiating with ISIS over those to eradicate them. Negotiations could provide credible guarantees to encourage many ISIS loyalists to stop fighting. ISIS-affiliates whom we surveyed suggest there is opportunity to bargain. Renouncing terrorism in exchange for leniency might be palatable to many former ISIS insurgents.

Beyond Iraq, our results speak to the importance of transitional justice as a peacebuilding strategy. Effective transitional justice programs move beyond retributive justice (revenge and retribution) to offer opportunities for rehabilitation and even reconciliation after violence (Elster 2004; Olsen et al. 2010; Teitel 2000, 2015) Our results show that publics view efforts to negotiate with insurgents as furthering demobilization and durable peace. The alternative, where governments turn a blind eye to extrajudicial violence and condone violence through retributive adjudication, will most likely fuel the insurgencies they are ostensibly trying to quell.

References

- Abdulrazaq, Tallha, and Gareth Stansfield. 2016. "The Enemy Within: ISIS and the Conquest of Mosul." *The Middle East Journal* 70(4): 525-542.
- Ahlquist, John S. 2018. "List experiment design, non-strategic respondent error, and item count technique estimators." *Political Analysis* 26(1): 34-53.
- Akhavan, Payam. 2005. "The Lord's Resistance Army case: Uganda's submission of the first state referral to the International Criminal Court." *American Journal of International Law* 99(2): 403-421.
- Balcells, Laia, and Abbey Steele. 2016. "Warfare, political identities, and displacement in Spain and Colombia." *Political Geography* 51 (2016): 15-29.
- Berdal, Mats, and David Ucko, eds. 2009. *Reintegrating armed groups after conflict: Politics, violence and transition*. Routledge.

Blaydes, Lisa. 2018. *State of repression: Iraq under Saddam Hussein*. Princeton University Press.

Braithwaite, John. 2002. *Restorative justice & responsive regulation*. Oxford University Press.

Byman, Daniel. 2006. "Do targeted killings work." *Foreign Affairs* 85: 95.

Canestaro, Nathan A. 2004. "Small wars and the law: Options for prosecuting the insurgents in Iraq." *Columbia Journal of Transnational Law*. 43: 73.

Canetti, Daphna, Amnon Cavari, Carmit Rapaport, Hadar Shalev, and Stevan E. Hobfoll. 2019. "Individual Exposure to Terror and Political Attitudes: A Physiologically-Based Model of Militancy." *Terrorism and Political Violence* (2019): 1-16.

Carey, Sabine C., Michael P. Colaresi, and Neil J. Mitchell. 2015. "Governments, informal links to militias, and accountability." *Journal of Conflict Resolution* 59(5): 850-876.

Cederman, Lars-Erik, Kristian Skrede Gleditsch, and Halvard Buhaug. 2013. *Inequality, Grievances, and Civil War*. Cambridge University Press.

Chesney, Robert. 2010. "Who may be killed? Anwar al-Awlaki as a case study in the international legal regulation of lethal force." *Yearbook of International Humanitarian Law* 13: 3-60.

Cobban, Helena. 2015. *Amnesty after Atrocity?: Healing nations after genocide and war crimes*. Routledge.

Cohen, Dara Kay, and Ragnhild Nordås. 2015. "Do states delegate shameful violence to militias? Patterns of sexual violence in recent armed conflicts." *Journal of Conflict Resolution* 59(5): 877-898.

Cox, Joseph M. 2019. "Negotiating justice: Ceasefires, peace agreements, and post-conflict justice." *Journal of Peace Research* (2019): 0022343319879485.

- Dancy, Geoff. 2018. "Deals with the devil? Conflict amnesties, civil war, and sustainable peace." *International Organization* 72(2): 387-421.
- Darley, John M., and Thane S. Pittman. 2003. "The psychology of compensatory and retributive justice." *Personality and Social Psychology Review* 7(4): 324-336.
- Darley, John M., Kevin M. Carlsmith, and Paul H. Robinson. 2000. "Incapacitation and just deserts as motives for punishment." *Law and Human behavior* 24(6): 659-683.
- Davis, Darren W., and Brian D. Silver. 2004. "Civil Liberties vs. Security: Public Opinion in the Context of the Terrorist Attacks on America." *American Journal of Political Science* 48(1): 28-46.
- Davis, Darren W. 2007. *Negative Liberty: Public Opinion and the Terrorist Attacks on America*. Russell Sage Foundation.
- DeTommaso, Meghan M., Mario Schulz, and Steve B. Lem. 2017. "Choices of justice: Effects of civil war termination on postconflict justice mechanisms implemented by the state." *International Journal of Transitional Justice* 11(2): 218-238.
- Downes, Alexander B. 2007. "Draining the sea by filling the graves: Investigating the effectiveness of indiscriminate violence as a counterinsurgency strategy." *Civil Wars* 9(4): 420-444.
- Dyrstad, Karin, and Solveig Hillesund. 2020. "Explaining Support for Political Violence: Grievance and Perceived Opportunity." *Journal of Conflict Resolution* (2020): 0022002720909886.
- Eck, Kristine, and Lisa Hultman. 2007. "One-sided violence against civilians in war: Insights from new fatality data." *Journal of Peace Research* 44(2): 233-246.

Elster, Jon. 2004. *Closing the books: Transitional justice in historical perspective*. Cambridge University Press.

Fair, C. Christine, Karl Kaltenthaler, and William Miller. 2015. "Pakistani political communication and public opinion on US drone attacks." *Journal of Strategic Studies* 38(6): 852-872.

Field, Antony. 2017. "The dynamics of terrorism and counterterrorism: understanding the domestic security dilemma." *Studies in Conflict & Terrorism* 40(6): 470-483.

Findley, Michael G. 2013. "Bargaining and the interdependent stages of civil war resolution." *Journal of Conflict Resolution* 57(5): 905-932.

Gates, Scott, Helga Malmin Binningsbo, and Tove Grete Lie. 2007. *Post-conflict justice and sustainable peace*. The World Bank.

Gibson, James L. 2004. "Does truth lead to reconciliation? Testing the causal assumptions of the South African truth and reconciliation process." *American Journal of Political Science* 48(2): 201-217.

Gordon, Carol, and Asher Arian. 2001. "Threat and decision making." *Journal of conflict resolution* 45(2): 196-215.

Grayson, Kyle. 2016. *Cultural politics of targeted killing: On drones, counter-insurgency, and violence*. Routledge.

Gronke, Paul, Darius Rejali, Dustin Drenguis, James Hicks, Peter Miller, and Bryan Nakayama. 2010. "US Public Opinion on Torture, 2001–2009." *PS: Political Science & Politics* 43(3): 437-444.

Gunneflo, Markus. 2016. *Targeted killing: A legal and political history*. Cambridge University Press.

Guiora, Amos. 2004. "Targeted killing as active self-defense." *Case Western Reserve Journal of International Law* 36: 319.

Hafez, Mohammed M., and Joseph M. Hatfield. 2006. "Do targeted assassinations work? A multivariate analysis of Israel's controversial tactic during al-Aqsa uprising." *Studies in Conflict & Terrorism* 29(4): 359-382.

Hicks, Madelyn Hsiao-Rei, Hamit Dardagan, Gabriela Guerrero Serdán, Peter M. Bagnall, John A. Sloboda, and Michael Spagat. 2011. "Violent deaths of Iraqi civilians, 2003–2008: analysis by perpetrator, weapon, time, and location." *PLoS medicine* 8(2): e1000415.

Hirsch-Hoefler, Sivan, Daphna Canetti, Carmit Rapaport, and Stevan E. Hobfoll. 2016. "Conflict will harden your heart: Exposure to violence, psychological distress, and peace barriers in Israel and Palestine." *British Journal of Political Science* 46(4): 845-859.

Hood, Roger, and Carolyn Hoyle. 2015. *The Death Penalty: A Worldwide Perspective*. Oxford University Press.

Huang, Reyko. 2016. "Rebel diplomacy in civil war." *International Security* 40(4): 89-126.

Huddy, Leonie, Stanley Feldman, Charles Taber, and Gallya Lahav. 2005. "Threat, anxiety, and support of antiterrorism policies." *American journal of political science* 49(3): 593-608.

Huddy, Leonie, and Stanley Feldman. 2011. "Americans respond politically to 9/11: understanding the impact of the terrorist attacks and their aftermath." *American Psychologist* 66(6): 455.

Human Rights Watch. 2017. Flawed Justice: Accountability for ISIS Crimes in Iraq.

<https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq#>

Human Rights Watch. 2019. World Report: Iraq. <https://www.hrw.org/world-report/2019/country-chapters/iraq>

Jackson, Joshua Conrad, Virginia K. Choi, and Michele J. Gelfand. 2019. "Revenge: A multilevel review and synthesis." *Annual Review of Psychology* 70 (1): 319-345.

Jackson, Richard. 2013. "The politics of terrorism fears." *The Political Psychology of Terrorism Fears* (2013): 267-282.

Jentsch, Corinna, Stathis N. Kalyvas, and Livia Isabella Schubiger. 2015. "Militias in civil wars." *Journal of Conflict Resolution* 59(5): 755-769.

Jervis, Robert. 1978. "Cooperation under the security dilemma." *World Politics* 30(2): 167-214.

Kaplow, Jeffrey M. 2016. "The negotiation calculus: Why parties to civil conflict refuse to talk." *International Studies Quarterly* 60(1): 38-46.

Kaufmann, Chaim. 2004. "Threat inflation and the failure of the marketplace of ideas: The selling of the Iraq war." *International Security* 29(1): 5-48.

Kessler, Oliver, and Wouter Werner. 2008. "Extrajudicial killing as risk management." *Security Dialogue* 39(2-3): 289-308.

Kim, Nam Kyu, and Mi Hwa Hong. 2019. "Politics of pursuing justice in the aftermath of civil conflict." *Journal of Conflict Resolution* 63(5): 1165-1192.

Koestler, Arthur. 2015. *Darkness at noon*. Simon and Schuster.

Koren, Ore. 2017. "Means to an end: Pro-government militias as a predictive indicator of strategic mass killing." *Conflict Management and Peace Science* 34(5): 461-484.

Koskenniemi, Martti. 2002. "Between impunity and show trials." *Max Planck Yearbook of United Nations Law* 6(1): 1-32.

Kreps, Sarah E., and Geoffrey PR Wallace. 2016. "International law, military effectiveness, and public support for drone strikes." *Journal of Peace Research* 53(6): 830-844.

Kretzmer, David. 2005. "Targeted killing of suspected terrorists: Extrajudicial executions or legitimate means of defence?." *European Journal of International Law* 16(2): 171-212.

Lichtenheld, Adam. "Explaining Population Displacement Strategies In Civil Wars: A Cross National Analysis." forthcoming in *International Organization*.

Lyall, Jason. 2009. "Does indiscriminate violence incite insurgent attacks? Evidence from Chechnya." *Journal of Conflict Resolution* 53(3): 331-362.

McKelvey, Benjamin. 2011. "Due Process Rights and the Targeted Killing of Suspected Terrorists: The Unconstitutional Scope of Executive Killing Power." *Vanderbilt Journal of Transnational Law* 44: 1353.

Melzer, Nils. 2008. *Targeted Killing in International Law*. Oxford University Press.

Mitchell, Neil J., Sabine C. Carey, and Christopher K. Butler. 2014. "The impact of pro-government militias on human rights violations." *International Interactions* 40(5): 812-836.

Mundis, Daryl A. 2002. "The use of military commissions to prosecute individuals accused of terrorist acts." *American Journal of International Law* 96(2): 320-328.

Murphy, Richard, and Afsheen John Radsan. 2009. "Due process and targeted killing of terrorists." *Cardozo Law Review* 31: 405.

Nylen, Alexandria, and Charli Carpenter. 2019. "Questions of life and death:(De) constructing human rights norms through US public opinion surveys." *European Journal of International Security* 4(2): 142-162.

Olsen, Tricia, Leigh Payne, and Andrew Reiter. 2010. "Transitional justice in balance." *Comparing Processes, Weighing Efficacy*. Washington, DC: US Institute of Peace.

Orentlicher, Diane F., and Robert Kogod Goldman. 2001. "When Justice Goes to War: Prosecuting Terrorists Before Military Commissions." *Harvard Journal of Law & Public Policy* 25: 653.

Osgood, Jeffrey M. 2017. "Is revenge about retributive justice, deterring harm, or both?." *Social and Personality Psychology Compass* 11(1): e12296.

Parker, Tom. 2005. "Prosecuting Saddam: the coalition provisional authority and the evolution of the Iraqi Special Tribunal." *Cornell International Law Journal* 38: 899.

Pechenkina, Anna O., and Jakana L. Thomas. 2020. "Battle Stalemates and Rebel Negotiation Attempts in Civil Wars." *Security Studies* (2020): 1-28.

Piazza, James A. 2015. "Terrorist Suspect Religious Identity and Public Support for Harsh Interrogation and Detention Practices." *Political Psychology* 36(6): 667-690.

Posen, Barry R. 1993. "The security dilemma and ethnic conflict." *Survival* 35(1): 27-47.

Ramsden, Michael. 2011. "Targeted killings and international human rights law: the case of Anwar Al-Awlaki." *Journal of Conflict & Security Law* 16(2): 385-406.

Raynor, Peter, and Gwen Robinson. 2005. *Rehabilitation, crime and justice*. Springer.

Reiter, Andrew G., Tricia D. Olsen, and L. Payne. 2013. "Transitional justice and civil war: Exploring new pathways, challenging old guideposts." *Transitional Justice Review* 1(1).

Robinson, Gwen, and Iain D. Crow. 2009. *Offender rehabilitation: Theory, research and practice*. Sage.

Sagan, Scott D., and Benjamin A. Valentino. 2018. "Not Just a War Theory: American Public Opinion on Ethics in Combat." *International Studies Quarterly* 62(3): 548-561.

Sambanis, Nicholas, Jonah Schulhofer-Wohl, and Moses Shayo. 2012. "Parochialism as a central challenge in counterinsurgency." *Science* 336(6083): 805-808.

- Schelling, Thomas C. 2020. *Arms and influence*. Yale University Press.
- Smith, Brent L., Kelly R. Damphousse, Freedom Jackson, and Amy Sellers. 2002. "The prosecution and punishment of international terrorists in federal courts: 1980–1998." *Criminology & Public Policy* 1(3): 311-338.
- Staniland, Paul. 2012. "Between a rock and a hard place: Insurgent fratricide, ethnic defection, and the rise of pro-state paramilitaries." *Journal of Conflict Resolution* 56(1): 16-40.
- Stewart, Megan A., and Yu-Ming Liou. 2017. "Do good borders make good rebels? Territorial control and civilian casualties." *The Journal of Politics* 79(1): 284-301.
- Souleimanov, Emil Aslan, and David S. Siroky. 2016. "Random or retributive?: Indiscriminate violence in the chechen wars." *World Politics* 68(4): 677-712.
- Staniland, Paul. 2012. "Between a rock and a hard place: Insurgent fratricide, ethnic defection, and the rise of pro-state paramilitaries." *Journal of Conflict Resolution* 56(1): 16-40.
- Szász, Béla. 1971. *Volunteers for the Gallows: Anatomy of a Show-trial*. London: Chatto and Windus.
- Taub, Ben 2018. "Iraq's Post-ISIS Campaign of Revenge." *The New Yorker*.
<https://www.newyorker.com/magazine/2018/12/24/iraqs-post-isis-campaign-of-revenge>
- Teitel, Ruti G. 2000. *Transitional Justice*. Oxford University Press.
- Teitel, Ruti G. 2015. *Globalizing Transitional Justice*. Oxford University Press.
- Valentino, Benjamin, Paul Huth, and Dylan Balch-Lindsay. 2004. "'Draining the sea': mass killing and guerrilla warfare." *International Organization* 58(2): 375-407.
- Valentino, Benjamin A. 2014. "Why we kill: The political science of political violence against civilians." *Annual Review of Political Science* 17(1): 89-103.

- Vidmar, Neil, and Dale T. Miller. 1980. "Socialpsychological processes underlying attitudes toward legal punishment." *Law and Society Review* 14(3): 565-602.
- Vidmar, Neil. 2002. "Retribution and revenge." In *Handbook of Justice Research in Law*. Springer, Boston, MA. pp. 31-63.
- Vinjamuri, Leslie, and Jack Snyder. 2015. "Law and politics in transitional justice." *Annual Review of Political Science* 18 (2015): 303-327.
- Walter, Barbara F. "The critical barrier to civil war settlement." *International organization* 51, no. 3 (1997): 335-364.
- Wilson, Richard A. 2001. *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-apartheid State*. Cambridge University Press.
- Wood, Reed M., and Jacob D. Kathman. 2014. "Too much of a bad thing? Civilian victimization and bargaining in civil war." *British Journal of Political Science* 44(3): 685-706.
- Zaibert, Leo. 2016. *Punishment and retribution*. Routledge.
- Zoller, Silke Victoria. 2018. *Criminalizing Insurgents: The United States and Western Europe Response to Terrorism, 1968-1984*. Temple University.

Appendix Table 1. Summary of Variables

Variable	Description	N	Mean	SD	Min	Max
Extrajudicial Vignette DV	Punishment preferences ranging from 1 = amnesty to 5 = death penalty	596	2.24	1.26	1	5
Judicial Killing DV	alpha score for perceptions of judicial fairness based on 5 post-treatment survey items*	596	2.87	0.92	1	4
Negotiate with ISIS	alpha score for belief that ISIS will stop fighting if given concessions based on multiple survey items* 1 = definitely not to 4 = definitely yes*	596	2.14	0.99	1	4
Violence is justifiable	"It is sometimes necessary to use violence to support a just cause." 1 = strongly disagree to 4 = strongly	596	3.10	0.93	1	4

	agree					
Will of the people	“The will of the people is more important than the rule of law.” 1 = strongly disagree to 4=strongly agree	594	2.76	1.03	1	4
Biased courts	“Court trials are biased against those suspected of supporting ISIS.” 1 = strongly disagree to 4=strongly agree	593	2.80	0.89	1	4
Death penalty just	“The death penalty is just for certain crimes.” 1 = strongly disagree to 4 = strongly agree	596	3.22	1.04	1	4
Blame ISIS civilians	“To what extent do you blame ISIS civilian followers for ISIS crimes?” 1= not at all to 4 = a great deal	596	2.63	1.11	1	4
victimization	alpha score for ISIS victimization based on 9 survey items*	596	0.14	0.17	-0.11	0.78
female	1 = female respondent	596	0.22	0.41	0	1
age	Subject age in years	596	34.71	12.75	18	72
education	Education from no formal education to post-secondary	595	2.61	0.91	1	4
income	Income assessment ranges from 1 = Significant difficulties to 4 = cover expenses and save	596	2.13	0.93	1	4
Professional	1 = employer, manager, professional office worker	596	0.26	0.44	0	1
Laborer	1 = manual worker, farmer	596	0.33	0.47	0	1
Student	1 = student	596	0.24	0.43	0	1
unemployed	1 = currently unemployed	596	0.17	0.38	0	1
moved	0 = lived in Mosul throughout ISIS rule, 1 = moved at some point	596	0.18	0.38	0	1

*See online appendix for index construction details.