

## Just War Theory and the Question of Terrorism in Modern Africa: Which Way Forward?

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### Abstract

The preponderance of terrorist groups or non state actors is becoming a very serious threat to the security of modern African states. The rationalization of these acts has therefore received the attention of scholars within and outside the academia. In international ethics for instance, 'just war theory' appears to be the most developed and widely used criterion for explaining the 'rightness' or otherwise of violence. Besides, there seem to be no universally accepted definition of terrorism. History shows that any form of violence could be legitimate and must not necessarily be the type organised by state actors alone. Therefore, it is the position of this paper that violence perpetrated by state and non state actors should be morally and legally justified without any form of discrimination. The actions of terrorist groups must be assessed on the same conditions used for state actors. The paper concludes that it is only when the above mentioned conditions are fully implemented and genuine democracy or democratization takes its full grip on the African continent that a reduction and a positive management of the activities of the so-called terrorist groups can be realised.

**Keywords:** Africa, Democracy, Terrorism, State and War.

### Introduction

St. Augustine and St. Thomas Aquinas appear to be the two most prominent medieval thinkers to have dealt systematically with the issue of just war theory. What they had in mind was to study conditions under which it would be morally right and justified for a state to go to war or engage in violence. Thus, the possible moral grounds for going to war (*Jus ad bellum*) and the manner in which a just war must be carried out or fought (*Jus in bello*) were the two major concerns of the above mentioned scholars. However, the rising speed, the audience population and the popular support given to violence perpetrated by non state actors or terrorist groups in modern Africa is a clear indication that the contemporary analysis of the question of just war theory must go beyond St. Augustine and St. Thomas Aquinas understanding. Ordinarily, just war theory ought to be an assessment of the morality of war be it from state or non state actors.<sup>1</sup> Viewed from this perspective, this paper is an attempt to answer the following questions: Is interstate war the only form of political violence that may ever be justified? If not, how are we to assess the morality of other cases of political violence especially those involving non state actors? In short, does just war theory apply to terrorism, and, if so, can terrorism satisfy its criteria?

This paper is made up of two sections. Section one is the theoretical clarification of the concepts of terrorism and just war theory. This section analyzes the basic components of just war theory such as: just cause, legitimate authority and discrimination and see how it (just war theory) can and should accommodate terrorism. Section two is the way forward and lessons for contemporary Africa. These perspectives provide opportunity for us to see how under just war theory Africa policy-makers or political leaders should have a rethink of terrorism and rather look for a genuine alternative for peace. This is because the main purpose of just war theory is to place limits to violence and make peace and not war for war sake.

### Conceptual Clarification

#### Just war theory, double standard and terrorism

As noted earlier, the lack of a universally accepted definition of terrorism coupled with the double standard applied to the just war theory by some scholars has led to many unresolved issues in moral and political philosophy. As Andrew Valls rightly pointed out: when violence is committed by states, our assessment tends to be quite permissive; giving states a great benefit of the doubt about the propriety of their violent acts... However, when the violence is committed by non state actors, we often react with horror and the condemnation cannot come fast enough... Hence, terrorism is almost universally condemned, violence by states, even when war has not been declared, is seen as legitimate, if not always fully justified<sup>2</sup>.

It is important to recall that any genuine philosophy does not and will not entertain double standard. Political violence and terrorism cannot be an exception. According to C.A.J. Coady "consistency requires that

we apply the same standards to both kinds of political violence, state and non state<sup>3</sup>". Even though for St Augustine and St Thomas Aquinas, there are morally relevant features of states that make the use of violence legitimate and its use by others illegitimate, it is inimitable that it cannot be the only explanation. In the words of Valls :on the most plausible account of just war theory, taking into account the ultimate moral basis of its criteria, violence undertaken by non state actors can, in principle, satisfy the requirements of just war as well<sup>4</sup>.

Scholars along with their schools of thought have defined terrorism according to what they have in mind or want to prove. This makes the definition of terrorism more problematic. In contemporary politics for instance the term terrorism is mostly used by political actors to paint their opponents as devils or monsters. In academic circle, the understanding of terrorism becomes more complex at least on two counts: (a) moral/definitional and (b)use of stipulative /ordinary language.

(a) Some scholars consider terrorism as already wrong and unjustifiable before they even define it. This makes the definition biased because it prejudges the substantive moral issue by a definitional consideration. As J. Teichman remarked, we ought not to begin by defining terrorism as a bad thing<sup>5</sup>; in reality, moral conclusions should follow from moral reasoning. So to decide a normative issue by definitional considerations, then, ends the discussion before it begins<sup>6</sup>

(b) Even though according to Teichman, any definition will necessarily be stipulative to some extent, but ordinary language does impose some constraints on the said stipulative definition that is acceptable. This is the case of Carl Wellman who defines terrorism as "the use or attempted use of terror as a means of coercion<sup>7</sup>. In Wellman's understanding, when he instils terror in his students with threats of grade penalties on late papers, he commits terrorism.<sup>8</sup> So for some scholars, the major aim of terrorism is to terrorize that is, a terrorist targets some to threaten many more. In this situation, the terrorist will be ill named because what he sometimes wants is not to terrorize but "the shocked attention of his audience population<sup>9</sup>.

But not every violent act is terrorism. According to Virginia Held for instance, "we should probably not construe either the intention to spread fear or the intention to kill non-combatants as necessary for an act of political violence to be act of terrorism"<sup>10</sup>.It thus appears that terrorism could be perpetrated by both state and non state actors. Basically, any form of violence to achieve political goals is terrorism, or as Held put it: "I (see) terrorism as a form of violence to achieve political goals, where creating fear is usually high among the intended effects"<sup>11</sup>. However, for the purpose of this section, we simply define terrorism as violence committed by non state actors against persons or property for political purposes.

In international ethics, just war theory is never considered a single theory; instead, it is a tradition within which there is a range of interpretation. Just war theory has the merit of "providing a framework for discussion about whether a war is just, rather than providing a set of unambiguous criteria that are easily applied<sup>12</sup>. So, just war theory becomes complex in international ethics especially when it comes to the interpretation of war as we shall see in this paper.

### **Just War Theory and Just Cause**

Under just war theory, just cause simply means that a state has the right to defend itself against the aggression of other states. The implication here is that a just cause for a war is most of the times a defensive one. When for instance, a state feels that its territorial integrity or political independence is being threatened, it has a just cause to defend itself. The state being in charge of the protection of its citizens as well as other goods they hold dear, has the right of self determination. This is so because any right that a state enjoys is ultimately based on the rights of its citizens and therefore, it is important to note that the moral status of any state should be derivative and not foundational; derivative, because it is based on the rights of individuals within it.

However, for the purpose of this paper, a major issue to be considered is: whether states only as organized political entities have the right to self-determination? Walzer's analysis of John Stuart Mill is very educative. While discussing the concepts of intervention and non-intervention, Walzer argues that' states generally ought not to intervene in the affairs of other states because to do so would be to violate the right of self-determination of the community within the state<sup>13</sup>. Walzer agrees with Mill that once the right of self-determination is recognized, its implications go beyond a right against intervention or a right of defence. As for the discussion on the concept of non-intervention, Walzer brings in the notion of secession which is very important to our arguments in this paper. According to Walzer, when a secessionist movement has demonstrated that it represents the will of its people, other states may intervene to aid the secession because, in this case, secession reflects the self-determination of that people. The implication of Walzer argument appears to be that under certain circumstances, certain kinds of groups enjoy a right of self-determination that entitles them to their own state or at least to some autonomy in a federal arrangement within an existing state.

Although those circumstances vary<sup>14</sup> the fact remains that groups other than those constituted by the state in which they live can have a just cause to defend their right of self-determination<sup>15</sup>. For example, when the communal life of a nation is seriously threatened by a state, that nation has a just cause to defend itself. In the situation where the whole nation is within a single state, secession is a justified option. This is also

recognized and endorsed by the United Nations (UN). According to Khatchadourian: “the UN definition of just cause recognizes the rights of peoples as well as states” and in article 7 of the definition of aggression, the UN refers to “the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right”<sup>16</sup>

From the above, it could be said that both morally and legally ‘peoples’ or ‘nations’ enjoy a right to self-determination. So, while just war theory relies on the rights of the citizens to ground the right of a state to defend itself, other communities within a state may have that same right as well. In other words, when the right to self-determination of some communities or peoples is frustrated, such peoples have the same just cause that states have when the self-determination of their citizens is threatened<sup>17</sup>.

### **Just War Theory and Legitimate Authority**

As mentioned earlier, St Augustine and St Thomas Aquinas believed that only states can go to war justly. They ruled out private groups or non state actors waging private wars and claiming them to be just. In other words, only the state has a monopoly on the legitimate use of force, so it is a necessary condition for a just war that it be undertaken by the entity that is uniquely authorized to wield the sword. To allow other entities, groups, or agencies to undertake violence would be to invite chaos<sup>18</sup>.

Also, as stated earlier, the rising speed, the audience population and the popular support given to violence perpetrated by private or non state actors in modern Africa is a clear indication that the contemporary analysis of the question of just war theory must go beyond St Augustine and St Thomas Aquinas understanding. In line with the above, the equation of legitimate authority with states in the twenty-first century has been criticized by many Philosophers, myself included. Ordinarily, just war theory ought to be an assessment of the morality of war be it from state or non state actors.

Gilbert for instance, has argued that “the equation of proper authority with a lawful claim to it should be resisted”<sup>19</sup>.

As for Anthony Coates, to equate legitimate authority with state sovereignty is to rob the requirement of the moral force that it historically has had<sup>20</sup>. The result is that, Tony continues, the principle has become too permissive by assuming that any de facto state may wage war. According to him, this requirement then is too easily and quickly “checked off”: If a war is waged by a state, this requirement is satisfied. Tony concludes that this interpretation has meant that the criterion of legitimate authority has become the most neglected of all the criteria that have been traditionally employed in the moral assessment of war<sup>21</sup>

More so, Tony Coates insists that it is not any given state that represents the interest and rights of its people. In other words, being a state is not sufficient for being a legitimate authority. And if this is true, it also follows that some private or non state actors can legitimately represent the rights and interests of the peoples. As a matter of fact, what matters most in just war theory, is the plausibility of the claim to represent the interests and rights of a people.

In line with the above, Andrew Valls is of the opinion that some non state entities or organizations may represent a very plausible case for being a people’s representative. According to him, “if an organisation claims to act on behalf of a people and is widely seen by that people as legitimately doing so, then the rest of us should look on that organization as the legitimate authority of the people for the purposes of assessing its entitlement to engage in violence on their behalf<sup>22</sup>. Anthony Coates insists that the alternative view that only states may be legitimate authorities, “leads to political quietism (and is) conservative and uncritical<sup>23</sup>. Because once we acknowledge that state less peoples may have or have the right to self-determination, it would render that right otiose to deny that the right could be defended and vindicated by some nonstate entity. This is evidenced in the case of colonialism. People are prior to the state; or as Lugard rightly remarked “in the case of colonial domination, there is no victim state, thought there is a victim people”<sup>24</sup> So, if as a people the colonized have a right to self-determination then, it follows that a non state organization or a would-be state can act as a legitimate authority and justly engage in violence on behalf of the people. This is the case of the African National Congress (ANC) in South Africa, Al-Shabaab in Somalia, the Lord’s Resistance Army (LRA) in Uganda, the M23 in Democratic Republic of Congo, the Movement for the Emancipation of the Niger Delta (MEND) ,Boko Haram both in Nigeria and the Islamic State in Iraq and Levant (ISIL) to mention a few.

### **Just War Theory and Discrimination**

As stated earlier, what St Augustine and St. Thomas Aquinas had in mind was to study conditions under which it would be morally right and justified for a state to go to war or engage in violence. Thus the possible moral grounds for going to war (Jus and bellum) and the manner in which a just war must be carried out or fought (Jus in bello) were the two major concerns of the above mentioned scholars.

It is on record that most of the times; terrorist acts are condemned, not so much for who carries them out and why but for how they are carried out. It is said that terrorism does not discriminate. The argument of this section is as follows: if we critically look at the basic tenets of just war theory, it is obvious that terrorism and

war are not so morally different from each other. Since the main purpose of just war theory is to place limits to violence and make peace, so if war can be justified, then terrorism can be as well. Andrew Valls summarizes it as follows: "I have argued that terrorism, understood as political violence committed by non state actors, can be accessed from the point of view of just war theory and that terrorist acts can indeed satisfy the theory's criteria."<sup>25</sup>

It is a fact that some groups commit violence in the hope of winning the support of those they claim to already represent. The way those acts are carried fail to be morally justified. However, according to Fullinwider, even as that "this failure is contingent, not necessary. We cannot define terrorism into a moral corner where we do not have to worry any more about justification"<sup>26</sup> It is on record that failure to satisfy the requirements of just war theory is not unique to acts of terrorism. The same could be said of war themselves. The American invasion of Iraq in 2003 is a typical modern example. The 2003 Iraq war was a clear indication of just war theory violation. For the purpose of this paper, Andrew Valls conclusion appears interesting and illuminating. According to him: "either both interstate war and terrorism can be justified or neither can be"<sup>27</sup>. It seems obvious that under the modern interpretation of just war theory, there is no room discriminating terrorist acts from interstate war.

### **Which Way Forward For Africa?**

In section one, we have discussed the basic components of just war theory such as: just cause, legitimate authority and discrimination and saw how it (just war theory) can and should accommodate terrorism. We have also said that the rising speed, the audience population and popular support given to violence perpetrated by non state actors or terrorist groups in modern Africa is a clear indication that the modern interpretation of just war theory must go beyond St Augustine and St Thomas Aquinas understanding. I have argued that under the modern interpretation of just war theory, there is no room discriminating terrorist acts from interstate war.

So we are now left with the analysis of some possible ways and lessons for Africa as far as the accommodation of terrorism is concerned. It is the opinion of this paper that forms of government and their application in post colonial Africa could be responsible for the double standard in assessing the just war theory. I submit that the modern interpretation of just war theory that is, the interpretation that accommodates non state actors or terrorist groups cannot be effective unless in a genuine democratic society. In other words, genuine democracy or democratization is what is required for just war theory to be effective in modern Africa. For as noted earlier, the main purpose of just war theory is to place limits to violence and make peace and not war for war sake.

### **Monarchy, Democracy and Just War Theory in Modern Africa**

Monarchy and democracy appear to be the two major forms of government in post colonial Africa. Our main business in this section is to analyse and see to what extent they have contributed or can contribute to the understanding and application of just war theory as discussed above. In other words, this section is an opportunity for us to see whether monarchy and democracy as currently practiced in Africa, can actually fit into the modern interpretation of just war theory as defended above. That is, the interpretation according which violence committed by both state and terrorist groups are morally and legally justified, where there is no room discriminating terrorist acts from interstate war.

### **Monarchy and Just War Theory**

Etymologically, monarchy is derived from two Greek words *monos* which stands for alone and *arkhein* which stands for rule. So, monarchy means to "rule alone". It is a government by one individual not subject to any legal limitations or to paraphrase Aristotle, monarchy is a government by one individual who does everything according to his own will. There are hereditary and elective as well as absolute and limited or constitutional forms of monarchy. But according to Bluntschli, the essence of any form of monarchy is "the personification of the majesty and sovereignty of the state in an individual. This means two things:

- (i) the personal elevation of the head of the state, as the individual representative and organ of the supreme power, and
- (ii) the substantial concentration in the monarch of the highest dignity and power of the state."<sup>28</sup>

From the above definition, it is obvious that there is not and there will never be a meeting point between monarchy and the modern interpretation and understanding of just war theory. In monarchy there is no room for discussion, alternative views and tolerance. Friends of monarchy claim that it provides the most satisfactory government for those who cannot govern themselves, who "have not yet developed a high political consciousness and who therefore lack the capacity themselves for participating actively in the management of public affairs. Perhaps no better form could be devised for disciplining uncivilized peoples, leading them out of barbarism and inculcating in them habits of obedience"<sup>29</sup>. More so, the greater the unity within the government itself, the greater the likelihood of achieving unity among the people<sup>30</sup>. And finally, the unity and orderliness



necessary to every stable political society can best be secured only where supreme authority is vested in a single ruler<sup>31</sup>. From the above arguments, it is obvious that no monarchy regime will ever accommodate violence committed by non state actors or terrorist groups.

### **Democracy and Just War Theory**

Apart from monarchy, democracy is another major form of government in post colonial Africa. Even though according to K. A. Busia: “the colonial powers left a legacy of ideas and techniques which could help any country whose leaders wished to establish democratic forms of government”.<sup>32</sup> It is not until the year 1990 that the so called democratic governments started coming up in Africa. I argue that even if a citizen is obviously freer under a democracy than under a monarchy or dictatorship, the type of democracy currently being practiced in Africa is yet to meet the international/universal standard thereby making it very difficult to accommodate the modern interpretation and understanding of just war theory.

Basically, “democracy may be described as a system of government under which the people exercise the governing power either directly or through representatives periodically elected by themselves<sup>33</sup>. The fact still remains that the institutions of democracy are not the same everywhere, and Africa is not an exception. For the purpose of this paper, I argue that democracy is made up of principles and ideal which are universal. Therefore, any country or continent that aspires to those principles and ideals can easily accommodate the modern interpretation of just war theory as understood and defended in this paper.

First of all, one of the major difficulties about democracy is that countries with quite different political ideologies use the same word to describe their respective systems. This is also the case with Africa since the year 1990. Most African countries are known to be practicing democracy. I argue that the level and type of democracy being practiced by African countries are not ripe enough to accommodate the modern interpretation and understanding of just war theory. For instance, though democratic, African countries are yet to truly acknowledge the existence of opposition as a positive contribution to the success of democracy. Instead, in modern Africa, opposition is still considered as a source of social instability or disunity. Meanwhile, as K. A. Busia rightly pointed out: “the existence of political parties as an instrument of political rivalry not only allows for the expression of dissent but also offers the people a choice of alternatives. Furthermore he continues, the opposition helps to make all citizens, including those who disagree with the party in power, a part of the democratic system. The party system and the opposition are a part of the machinery of government”.<sup>34</sup>

I agree with friends of African democracy that the historical and social conditions of Africa are different from those of Europe, and the political institutions which African countries will find most suitable to express democratic values may well be different. Therefore, Africans cannot be expected to adopt the same institutions as those of Westminster. However, what I query is the ability of African countries to fully and genuinely embark on the universal principles and ideals of democracy which are freedom, equality tolerance, alternative and compromise, to mention a few. There is no doubt that Africans have the right to evolve institutions which fit them best in their own historical and social context but the fact still remains that others also have a right to expect the values of democracy to which the institutions give expression to be genuinely and universally recognizable. African countries cannot legitimately claim to have their own particular brands of democracy with values so different from those of other nations that there are no meeting points. Democracy has a moral language which peoples of different cultures and races can understand. What matters most is the genuine application of the universal principles and ideals of democracy which are still lacking in present day Africa. And, as long as this lack of genuine democracy persists, African policy makers or political leaders will never accommodate non state actors or terrorist groups. As I have argued, under the modern interpretation of just war theory, the only way forward is for African leaders to embark on a genuine democracy and have a rethink of terrorism.

The “ingredients” of genuine democracy according to K. A. Busia<sup>34</sup>, can be summarized as follows:

Almost every African state admits that democracy is founded on respect for the human being. This implies that every man should have a say in how he is governed and by who he is governed. Every citizen should be free to criticise his government and be protected. In any genuine democratic society, freedom of speech, publication and association are always guaranteed. Practitioners of genuine democracy must recognize the right of others to think differently and to choose differently. The spirit of tolerance is also one of the very important requirements for success of democracy. Democracy is government by consent. Any genuine democratic society provides methods and institutions for the preservation of liberty. For instance, the institutions of different political parties, the recognition of an opposition and the rule of law are essentials for democracy.

As for A. Appadorai<sup>35</sup>, democracy gives opportunity for political participation, political equality and the possibility of alternative government. Democracy requires proper organization and leadership. It postulates a measure of personal freedom and equal consideration for all classes. Democracy does not believe in suppression of thought. Helvetius once said: “I detest your opinions, but I will content to the death for your right to utter them”.

As already mentioned, democracy is made up of principles and ideals. And, the history of democracies all over the world has shown that these conditions are rarely fulfilled. To paraphrase A. Appadorai, in practice, democracy is the rule of ignorance. However, for the purpose of this paper, I argue that, no matter how defective as a form of government democracy may be, a genuine one remains the only way forward for present day Africa. As I have already argued, it is only in a genuine democratic society that African leaders or policy makers can accommodate the modern interpretation of the just war theory thereby have a rethink about violence perpetrated by non state actors or terrorist groups.

I choose democracy because despite its defects, it still implies recognition of the duties of government and the rights of the people. To paraphrase John Stuart Mill, democracy is superior to other forms of government because the rights and interests of every person are secured from being disregarded. The democratic method is to reach decision by discussion, argument and persuasion. As for A. Appadorai: “no realistic thinker regards democracy as the ideal form of government, it is at best the least objectionable form of government that is practicable... Things may be bad today, but they were worse yesterday”<sup>36</sup>. Finally, Cavour’s remark is very interesting and illuminating. According to him, “however faulty a legislative chamber may be, an ante-chamber is worse. However grave the indictment that may be brought against democracy. Its friends can answer, what better alternative do you offer?”

### Concluding Remarks

This work has attempted to address two fundamental issues in moral and political Philosophy. The first is the critic of the double standard used under just war theory when it comes to the right to violence by state and non state or terrorist groups. The second issue is about the discussion on a genuine way forward for Africa due to the rising speed and popular support currently given to terrorism all over the continent.

As for the first issue, I have argued that under an objective analysis of just war theory, violence perpetrated by both state and non state or terrorist groups should be morally and legally justified without any form of discrimination whatsoever. State violence is not and should not be the only legitimate violence. As for the second issue, I have argued that the rising speed and the popular support given to violence perpetrated by non state actors or terrorist groups in present day Africa is a clear indication that the analysis of the question of just war theory must go beyond St Augustine and St Thomas Aquinas understanding. Because ordinarily, just war theory ought to be an assessment of the morality of war be it from state or non state actors. Consequently, African countries must embark on a genuine democratization process which appears to be the only way forward for now. Why democracy? Because it is superior to other forms of government, it is at best the least objectionable form of government that is practicable. Democracy is the only form of government with universal principles and ideals which are freedom, equality, rule of law, tolerance, alternative and compromise to mention just a few. I therefore submit that it is only in a genuine democratic society and under the modern interpretation of just war theory that violence perpetrated by non -state actors or terrorist groups can be morally and legally justified and accommodated. African policy-makers or political leaders should always have in mind that the main purpose of just war theory is to place limits to violence and make peace and not war for war sake. For now, that cannot happen, unless in a genuine democratic society which African nations are hopefully still searching for.

### Notes and References

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3. Coady, C. A. J. 1985. *The Morality of Terrorism* Philosophy Pp. 47-69
4. See Andrew Valls “Can terrorism be justified?” ---- P. 564
5. See Teichman, Jenny 1989. *How To Define Terrorism*. Philosophy Pp. 505-517
6. See Andrew Valls. ---- P. 564.
7. See Wellman Carl 1979. ‘On Terrorism Itself.’ *Journal of Value Inquiry* Pp. 250-258.
8. We can see here that, Wellman’s definition of terrorism though stipulative, is quite different from what most of us have in mind when we talk of terrorism.
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  19. See Gilbert Paul 1994 *Terrorism, Security and Nationality: An Introductory Study in applied Political Philosophy*. New York: Routledge, P.29
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  21. See Anthony Coates J. 1997.
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  23. See Anthony Coates J. ---- P. 128
  24. See Dugard, John 1982. "International Terrorism and the Just War " *The Morality of Terrorism: Religious and Secular Justifications* ed. David C. Rapoport ad Yonah Alexander. New York: Pergamon Books, P. 83
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  28. See A. Appadorai 2004. *The Substance of Politics*. Oxford University Press, New Delhi, P. 131.
  29. See A. Appadorai ---- P. 133
  30. See A. Appadorai ---- P. 132
  31. See A. Appadorai ---- P. 132
  32. See K. A. Busia. "The Ingredients of Democracy" *Africa in Search of Democracy*. Routledge Kegan Paul Ltd. London 1967. Pp 91-110.
  33. See A. Appadorai ---- P. 137.
  34. See K. A. Busia. ---- Pp 91-110
  35. See A. Appadorai ---- Pp 131-143
  36. See A. Appadorai ----P. 143.