



WAR AND PEACE IN AFRICA  
PHILOSOPHY, THEOLOGY AND THE  
POLITICS OF CONFRONTATION

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ACADEMICA PRESS  
BETHESDA - DUBLIN - PALO ALTO

Library of Congress Cataloguing-in-Publication Data

Library of Congress cataloging-in-Publication data is on file with the Publisher.  
ISBN 978-1-936320-09-7

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Academica Press, LLC  
Box 60728  
Cambridge Station  
Palo Alto, CA. 94306

Website: [www.academicapress.com](http://www.academicapress.com)

to order: 650-329-0685

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## Introduction

According to the African philosopher-theologian Aurelius Augustinus, or St. Augustine of Hippo, the reason wars are fought is so that peace may be restored:

Even they who make war desire nothing but victory—desire, that is to say, to attain to peace with glory. For what else is victory than the conquest of those who resist us? and when this is done there is peace. It is therefore with the desire for peace that wars are waged, even by those who take pleasure in exercising their warlike nature in command and battle. And hence it is obvious that peace is the end sought for by war.<sup>1</sup>

Africa, like the rest of the world, is in need of peace today. The absence of peace results directly in widespread human misery. In addition, it impedes the economic productivity that is required to provide the goods and services needed by Africans to realize their human potential: “Africans can only prosper under conditions of peace.”<sup>2</sup>

Although restoration of the peace is the only proper end of war, the only end that can justify a decision to go to war, one problem in the world and in Africa today is that most wars are fought for other reasons. Examples of just wars, in Africa and around the globe, are few; unjust wars abound. Another problem, however, is that, since “peace is not merely the absence of war,”<sup>3</sup> victory in war does not ensure that peace will in fact be restored.

The just war tradition, to which Augustine was an important contributor, has developed and refined two sets of criteria, all of which must be met when making decisions about whether to go to war (*jus ad bellum*) and about how to

conduct a war once it has begun (*jus in bello*). Only recently has the just war tradition focused on another important set of criteria, those concerning the restoration of peace upon the conclusion of a war (*jus post bellum*). Justice in warfare requires meeting all three sets of criteria; anyone who participates in a war must “fight a just war in a just manner in pursuit of a just peace.”<sup>4</sup>

While the essays in this volume address the causes of wars in Africa and the ethics of conducting warfare, their primary focus is on the ethics of peace in Africa. What is needed, in addition to the absence of war, to achieve true peace? Can there be peace without justice? Can there be peace without reconciliation? Can there be peace without forgiveness? What do justice, reconciliation, and forgiveness look like in the contemporary African context? The discussions of these and related questions by the contributors to this volume are relevant to struggles to achieve true peace today, not only in Africa, but also in the rest of the world.

## Notes

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<sup>1</sup> Augustine, *The City of God*, trans. Marcus Dods (New York: Modern Library, 1950), XIX, 12.

<sup>2</sup> Kwesi Kwaa Prah, “The Crisis of Neo-Colonialism in Africa and the Contemporary Democratic Challenge,” in *Peacemaking and Democratisation in Africa: Theoretical Perspectives and Church Initiatives*, ed. Hizkias Assefa and George Wachira (Nairobi and Kampala: East African Educational Publishers, 1996), 21.

<sup>3</sup> Second Vatican Ecumenical Council, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 1965, no. 78.

<sup>4</sup> Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (Oxford & New York: Oxford University Press, 2012), 202.

# **Reflections on Just War Theory and Preemptive War Doctrine in an Age of Terrorism and Violence**

**Antonie L. Chigeda, Misia M. M. Kadenyi and Jane Onsongo**

## **Introduction**

The present essay discusses the relevance of just war theory and preemptive war doctrine in light of the global search for peace in an age of terrorism. These two justifications of war are further evaluated in terms of the extent to which they independently guarantee peaceful co-existence in the modern world. The essay also discusses the question of the universality of these approaches and the justification of preemptive war doctrine in light of the global quest for peace. Human conflict and the need for peace have been subjects of great interest globally. Despite the recognized need for peace in Africa and the world beyond, conflict and wars remain a reality as old as the human race itself. In view of the reality of war, theories like just war theory were developed to articulate the ethics inherent in the practice of war as a human activity. Needless to say, just war theory has been at the core of global charters regulating the conduct of war. However, war as a human practice over the years has evolved from wars fought by sovereign states to defend territories to wars fought between groups of people and sovereign states for national liberation, to the current war on terror fought between sovereign states and groups of people who sometimes are not clearly organized and identifi-



able as nationalist movements were. The recent preemptive war doctrine, encapsulated in American foreign policy since 2002, bears testimony to the evolution of the practice of war in the modern world. This situation naturally raises questions regarding the relevance and legitimacy of the just war tradition in regulating contemporary armed conflicts, particularly the war on terrorism, that seem to deviate from the conventional wars of the past. In this vein, preemptive war doctrine raises new challenges in the African and indeed global search for peace, which is the focus of this essay.

## **Just War Theory and Preemptive War Doctrine in Perspective**

### **The Just War Tradition**

No human society desires war for its own sake. This is in recognition of the evils inherent in warfare, both to the aggressors and to the victims of aggression. Human lives, property, and chances for peaceful coexistence are all negatively affected in the event of war. However, despite the negative consequences of war, human history from the earliest times has shown that war remains a reality within human communities. In acknowledgement of this reality, attempts to develop guidelines to regulate the conduct of war have been debated. One of the most important theories has been the just war tradition, developed by St. Thomas Aquinas in his *Summa Theologica*. The just war tradition outlines principles that establish a moral framework for the conduct of war. St. Thomas Aquinas outlined reasons for justly going to war and acceptable ways of conducting war. From the outlines, theorists identify first conditions for a just war (*jus ad bellum*) and the acceptable activities in the conduct of war (*jus in bello*). The two aspects present a justification for war, as well as the kind of activities that are permissible in war. According to the theory, a just war is evaluated on the following criteria: just cause, right intention, legitimate authority, last resort, prospect of success, proportionality, and just conduct.<sup>1</sup>

Alexander Moseley discusses these conditions for a just war, with a cri-

tique on these conditions. He starts by observing that conditions for a just war are subject to many interpretations, as they do not represent a fixed ethical framework. The conditions reflect both ontological and deontological positions about ethical conduct in war. The first condition is that a just war must originate from a just cause. This is one of the most important conditions for a just war. Recognizing the evil of initiating acts of violence against another, the victims of aggression have a just cause to defend themselves. In this case, defending oneself against any form of aggression becomes the only sufficient reason for a just cause. However, it is important also to note that self-defense may include probable acts of aggression. Thus the theory recognizes that just cause may be in self-defense against a wrong already done or to preempt an anticipated attack. The anticipated or imminent attack warranting such preemptive attack is limited to those where there is visible preparation for war, *e.g.*, mobilization of troops, navies, and the like in readiness for an attack. One problem, however, is how we define aggression. The theory does little in trying to define aggression, which could be physical aggression, economic aggression, or violation of social justice.<sup>2</sup> Broadly conceived, suffering the acts of aggression gives the victim a just cause to engage in warfare in self-defense.

A just war, again, must be declared by a proper authority. It is the duty of a sovereign state to protect and defend the common good of its citizens, even if this requires going to war. This condition makes all wars initiated by private individuals and groups other than the state unjust wars. This is born of the view that the private groups or individuals exist in states to which they can appeal in case of any good that is threatened, rather than taking it upon themselves to fight and protect that good, for this is the duty of the state. Again, Moseley observes that sovereignty may be questioned, particularly of governments by despots and such groups that are not legitimately elected through democratic means. It is questionable whether such states have the moral standing to declare war. In this case, only a legitimate authority has the right to declare a just war. It appears here that the just war tradition has states initiating violence and states responding in self-

defense. Private people do not initiate war. What about private groups like the current terrorists initiating acts of aggression? Does this theory address this? Further, would the offended state justly engage in war with the state from where these terrorists come or operate, and how does it justly deal with these private interests operating in a sovereign state?

The state should wage war to bring about justice and not out of self-interest. Thus, a right intention becomes another condition for a just war. This reflects Kant's view that having a good intent is the only condition for a moral activity. This requires that the state carefully look at the practicalities as well as consequences of declaring war. It guards against states having some hidden agendas or motives for going to war that are not legitimately a just cause. The next condition states that for a war to be just, states must carefully consider the prospect of success before going to war. The costs and benefits of war need to be calculated before engaging in war. Going to war when you have no clear prospect of success makes the war an unjust one. Another condition is that war should only be initiated as a last resort, after all possible means of achieving peace have been seriously explored to achieve peace without war, and that nations are not to seek war but rather to avoid it at all costs. In the event that all such efforts have failed, then war may legitimately be initiated. Finally, the desired end should be proportional to the means used. The counter-attack needs to be a response to the threat, rather than be used as a reason to carry out other uncalled-for aggressions. For instance, if the problem is about a border that was in dispute or wrongly taken, a counter-attack should only go as far as securing the border and not extend to annexing land beyond securing the border. This would also count against a just intention for war. In addition, the force used must be proportional to the objectives of the war and to the extent justified by the issue being addressed.

These conditions collectively define the just conditions for going to war (*jus ad bellum*) inasmuch as the last one extends to addressing the conduct of war (*jus in bello*). The second part of the just war tradition addresses how a just war ought to be conducted. Discrimination and proportionality are two conditions

necessary for conducting a just war. Discrimination here concerns legitimate targets in war. Essentially, discrimination requires that during war only combatants be targeted and all non-combatants not be targeted. Non-military elements should not be the target of warfare. Indiscriminate killing of civilians is against the conduct of a just war, according to this theory. It is common knowledge that in any war situation, civilian life and property may be affected as collateral damage, but care should be taken to isolate military targets only if the conduct of such war be just. Proportionality concerns itself with how much force is morally appropriate in an act of self-defense. This condition requires that the appropriate amount of force be used and casualties and destruction be minimized during war as much as possible. This may also reflect the military technologies that may be used in the conduct of war. Use of too much force or technologies with higher destructive capabilities than called for will make the conduct of the war unjustified. The two perspectives also imply that it is possible to have a just cause for war and not conduct it in a just manner. Walzer states: "The moral reality of war is divided into two parts. War is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.... The two sorts of judgment are logically independent."<sup>3</sup>

Despite the many criticisms and critiques that have been written on the just war tradition, which are not the focus of this essay, the theory is still very influential in the international charters and conventions regulating the conduct of war, making it a very influential theory in defining the morality of warfare currently in use. It remains a foundational theory in the moral discourse on war.

In view of peace, just war theory focuses on the need for peace and does a lot to indicate the undesirability of war in human societies. It argues for making efforts to use non-military means in resolving disputes between states. Such a theory, by valuing peace, becomes instrumental in the promotion of peace. It clearly places war where it belongs: as a last resort after all other means have been exhausted. It essentially points to a lengthy process before arms become an option to resolve a dispute. This essay considers such an approach generally pro-

peace. If nations and groups of people in Africa and the world ever considered war undesirable in resolving disputes, a great chapter for peace would be opened. It would allow for the exploration of non-military solutions to problems political or otherwise. The fact that such a theory has been adopted in most international charters is evidence of the extent to which the theory gives peace a chance in human societies. This essay focuses on this basic theory in considering the preemptive war doctrine and the prospects for peace within the African region and the world over. The next section briefly presents the basic tenets of the preemptive war doctrine.

### **Preemptive War Doctrine**

Preemptive war doctrine was espoused by the American government in response to the 9/11 attacks in New York and Washington. It is this same doctrine that inspired America's war in Iraq. This doctrine is clearly outlined in the United States National Security Strategy.<sup>4</sup> According to this, the American government view is that:

Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.... For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurists often conditioned the legitimacy of preemption on the existence of an imminent threat—most often a visible mobilization of armies, navies, and air forces preparing to attack. We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means.<sup>5</sup>

It is clear that the doctrine of preemptive war is argued on the basis of the just war tradition discussed above. As such, we can say it seeks its legitimacy from the just war tradition. However, the doctrine acknowledges an apparent contradiction with the concept of preemptive action contained in the just war tradition

when it says that there is need to “adapt the concept of imminent threat.” That is to say, it changes the provisions of preemptive war contained in the just war tradition. As noted earlier, the just war tradition would warrant preemptive war in self-defense when there is visible evidence of an impending attack. However, the National Security Strategy, instead of waiting for visible indications of an impending attack, considers a new definition of what amounts to imminent threat. The argument for this is the view that current threats are non-conventional; hence the just war tradition provisions are limited on this basis. The National Security Strategy continues as follows:

The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively. The United States will not use force in all cases to preempt emerging threats, nor should nations use preemption as a pretext for aggression.<sup>6</sup>

It is observed here that preemptive war is not a new doctrine; rather it has been there but obviously not in its current formulation as expressed above. It is possible to assume that what is referred to here is preemption as contained in the just war tradition, which the American government and the international community have long recognized as acceptable. As observed above, this version of preemption cannot be adopted as a legitimate option in the current unconventional threats posed by terrorism and advanced military technology. Arguably, preemptive war in the just war tradition and the one contained within this policy may be different in the sense that they are based on grounds that they do not require similar kinds of evidence in order to be executed. In this case, the two ought to have different justifications; otherwise it would be absurd to assume that justification for preemption as contained in the just war tradition would equally justify the current view. It is also interesting to note how the doctrine quickly cautions other states from using it as a pretext for aggression. This may immediately point to the

obvious weakness of this position. Specifically, it does not tell us how anyone would ensure that other nations do not use it as an excuse for aggression. Essentially, it will be used as such—especially when we consider that the American view of what amounts to a sufficient threat rests with themselves and nobody else.

### **Are These Theories Universal in Their Applicability?**

The National Security Strategy clearly cautions other nations from taking this policy as an excuse for aggression. Here it is clear that the Americans are not as comfortable having other nations adopt this version of preemption. It is clear from this that they are aware of the inherent dangers of having such a policy around the globe. Unfortunately, this doctrine is to be regulated by the nation interested in using it. Considering that the smaller nations do sometimes pattern their policies after the major world powers, it is to be expected that some country may sooner or later adopt this doctrine. In Africa, adopting this doctrine obviously would promise more conflict than peace. On the contrary, the just war tradition seems to have a universal application, as evidenced by its adoption in the international charters. No nation feels insecure because of any nation that has adopted the principles of just war theory. This is evidence of the extent to which peace is possible within such a framework. It is therefore concluded here that a danger exists in any policy that one nation might wish to adopt but will not tolerate other nations freely adopting, as is the case with the preemptive war doctrine.

### **What Hope Is There for Peace in Africa and the World in the Light of Preemptive War?**

As pointed out earlier, war is essentially conducted from an instrumental perspective in that no war is good for its own sake, and peace is what we seek in war. Only when this peace is threatened and all possible attempts to amicably maintain peace have failed may war be waged. The use of war in this case is to achieve peace, for no war is fought for its own sake. The only value of war is in the apparent hope to achieve peace at the end. This thinking seems to augur well with the

just war tradition, as pointed out earlier. The ethical conduct of war becomes critical, in that the consequence of any war should not in itself create fresh reasons for non-peaceful existence. Peace is the good sought for in war, and all conduct in war must be viewed with that end in mind. The just war theory outlines two key aspects needed to keep this peace in mind. The just reasons for entering into war ensure that war can only be initiated after having weighed all possible options, and is justified at least in the eyes of other actors within an international community of nations. Similarly, appropriate conduct during war ensures fairness in the conflict.

However, the just war tradition only addresses conflicts between sovereign states, for within it only sovereign states have a right to defend themselves, and private groups may only appeal to the sovereign states in which they exist in the case that any good is threatened. As Frost rightly observes, the evolving traditions of war over the years have changed, implying that “the rules of the game” needed to change to reflect new perspectives. Arguably, terrorism and contemporary warfare using advanced military technologies present a new challenge within the war traditions. In view of the challenges of terrorism and unconventional warfare, we must admit that, much as the just war tradition is still very applicable, particularly where states are involved, there exist situations where the theory offers little in directing what we need to do ethically. New challenges exist that warrant new thinking on what would be ethical in contemporary conflicts and how we keep peace for all—the ultimate goal of any justifiable use of force. This peace need not be narrowly conceived, but rather broadly conceived to cover more than our interests alone. If in whatever means we wish to defend ourselves the ultimate interest of peace is narrowly conceived to consist only of self-interest, then the legitimacy of such means needs to be questioned, for in the end, its goal will not be peace among nations broadly conceived.

Arguably, the preemptive war doctrine expressed in the National Security Strategy<sup>7</sup> is a response to the limitations of the just war tradition in general. Much as the doctrine acknowledges the role of the just war tradition, it attempts to mod-



ify it to meet the new challenge of the war on terror. Granted that we need new formulations to justify how to deal with the problem of terrorism, there is also a need to ensure that such formulations carefully consider the ethical justifications of such approaches and how far the approach promises peace to all. The role of the international community to serve as a kind of check and balance to avoid self-interest is necessary. Formulations that may benefit only the stronger against the weaker states cannot be regarded as fair, and cannot ensure peaceful co-existence with others in the world.

The preemptive war doctrine as it stands is a product of the re-evaluation of the just war tradition; as such, it is not completely divorced from it. However, as Newcomb observes, "It is the notion of striking these states before they strike that defines the new security strategy as one of preemption."<sup>8</sup> This is the basic interest in the preemptive war doctrine. Unlike in the just war tradition, where a preemptive attack would wait for visible evidence of an impending attack, the present view negates such a requirement. Instead, it operates on a supposition of impending attack that need not be proven by any physical elements. The ends of peace and justice are likely to be compromised in this version of preemption. This may result in nations fighting other nations arbitrarily, as no visible evidence is required. The unilateral approach of this doctrine implies that no international community is necessary in checking the legitimacy of the claim that a threat exists. There is no stipulation as to what standard will be applied to ascertain that a threat warrants preemptive strike. Newcomb also makes the following observation:

[S]uch a policy shift completely undermines the rules of war and the international system of laws, thus exposing the United States and the entire world to the dangers of new and more unpredictable foreign policy options. Indeed ... the lack of either an inherent limit or rationale in its potential range of applications leaves the new doctrine open to abuse in the name of realist and even misguided utilitarian notions of national security.<sup>9</sup>

Obviously, the undesirability of war and war as a last option in the search