**Part I: Introduction**

War can be waged at national, continental, or regional, or international level. The war waged by Germany in the World War II on all European nations can be termed as *regional or continental* and the war that crossed one continent and waged on the nations of another continents is termed as *international*. The war between Italy and Ethiopia is typical example of such war. The war waged within a nation between the same citizens is termed as civil war.

The word “*Justice*” had different meanings[[1]](#footnote-1). Among many meanings of the term “*just*”, the following may fit the objective of this paper. Accordingly, the word “*just*” may refer to: (1) the completion of one act according to the pre-known principle[[2]](#footnote-2), equitable[[3]](#footnote-3), proper[[4]](#footnote-4). The completion of some action in the right way, rightfully or lawfully and (3) completion of some action in the domain of truth, fact, correctness. Biblically, the word ‘*just’* refers to something given or awarded rightfully, sentenced or punished rightly, or deserved certain penalty, etc.[[5]](#footnote-5)

Even if there are enormous meanings of “*just*” in different dictionaries, such as Cambridge, Oxford, Webster’s etc., the meaning of “*just*” revealed above are adequate for the purpose of this paper. On the other hand the word “*war*” may refer to a conflict carried by force of arms, as between nations or even between parties within a nation; a war fare by land, sea or air[[6]](#footnote-6) or it can be termed as act of military operation or period of armed hostility[[7]](#footnote-7). As manifested in the definition given above, “*just*” in general reflects there where some acts completed rightfully equitably, according to the set forth principles. On the other hand, the word “Just” not only refers to the positive connotation but even to the punishment, penalty, even war, that keeping in mind the absence of the single definition of the word “*Justice*” that can be accepted by all, since what is viewed as “*just*” for one person may be understood as “unjust” by other. The situation is more difficult when to call a war as “just war”, since again what is “*just war*” for one counterpart may be viewed as “*un just war*” by the other party.

**Research Methodology**

The research design referred was explanatory and historical design to explain phenomena and illustrate historical basis of concepts about the jus war and the gradual development of guiding principles of war, such as Jus Ad Bellum, Jus in Bello and Jus post Bellum.

The research approach employed was qualitative to quality ideas, and opinions of writers on Just war and Just war theories.

Accordingly, relevant books, journals and current internet sources have been reviewed. Literatures dedicated to the historical back ground of Just war theories and propositions on the guiding principles to be fulfilled to wage war and the conducts of combatants in war as well as the duties of victors or winners after the war have been reviewed.

**Part II: The cause of war**

In history, there is no war which embarked without conflicts[[8]](#footnote-8). When the conflict is not handled timely, that conflict will raise to war. So before talking and judging about war, it would be better to find the root cause of conflict that ultimately leads to war.

Well known English philosopher of 17th c. Thomas Hobbs (1599 – 1679) outlined three causes of conflicts[[9]](#footnote-9). According to him in the nature of man, there are three principles of quarrel: (1) *Competition*[[10]](#footnote-10) - that makes man invade by gain, by using violence, to make themselves masters of other’s man (persons), wives, children and cattle; (2) *Difference*[[11]](#footnote-11) - for safety to defend one’s self or others; and (3) *Glory*[[12]](#footnote-12) - for reputation, for trifles, as a word, as a smile, a different opinion, and any other sign of undervalue, either direct in their persons or by reflection in their kindred, their friends, their nations, their profession or their name.

According to *Thomas Hobbes*, humans were inherently irrational with the desire to dominate others and an intense struggle for selfishness. He argued that these all ultimately cause “war of all against all”[[13]](#footnote-13).

Obviously, the concept of Thomas Hobbes has never been left without having got practical implementation, even in the 21st century. During his time Thomas Hobbs as peace lover, did not end up his concept about the cause of quarrel that leads to the conflict, which in its turn ultimately leads to the “war of all against all”, but he proposed in his social contract theory, that people are to give up some individual liberties inherited from nature in exchange for some common security through social impact. Thomas Hobbes argued that the state has arisen out of voluntary agreement that only the establishment of sovereign power could safeguard them from the insecurity of the state nature[[14]](#footnote-14).

However, Thomas Hobbes’ native scholar, John Locke, disagreed with Thomas Hobbes in two major points. First, Locke argued that natural rights, such as life, liberty and property existed in the state of nature and he believed that these rights[[15]](#footnote-15) cannot be violated by the virtue of social contract. This to somewhat contradicts with the conception of Thomas Hobbes, who argued that in the state of nature humans are irrational and an intense struggle for selfish end. Thus, he argued, that if this selfish nature of humans or is not limited by the virtue of social contract, it may lead to “war against all”.

Who is right? Both are right in theory. But in reality human beings extreme desire to realize his unlimited natural right is unquestionable; here the question is about unlimited right of liberty, unlimited rights of property, even unlimited rights of authority. Even, if humans are at liberty to possess these all by nature, realization of all these without taking the rights of others into account, may cause disagreements from other side, which may grow to conflict, that ultimately leads to the war. Thus, the writer’s suggestion is that humans to live in a safeguarded environment, with secured lives, properties, families, they better to be modest, limit their naturally unlimited rights.

In addition to Thomas Hobbes`s, causes of war we discussed above, the following can be a ground for the war, such as state formation process, ambitious extreme to expansion of territory, less feeling of patriotism, and less concern for rule of law.

At the beginning of 20th century, a German political scientist, Oppenheim F., advanced a theory about the determinant factor of war for the formation of state. According to him, in order to state is able to wage war, it should possess certain structural elements, like the King (leader), who declares war; the Administrator, who mobilizes the citizens against enemy; Financial capacity and the Technical capacity[[16]](#footnote-16).

These four structural elements outlined by Oppenheim are viewed as vital even in the modern time to make strong enough a state to wage war.

Engels F. is also of the opinion of that war waged by one powerful community against the weaker one is one of the causes for the formation of state.

According to Engels, Germany was formed by conquest of considerable alien territories as a result of war waged against clan based weak societies. He added more showing that the extreme to form strong political organization – the state could cause war[[17]](#footnote-17).

So the authors did not evaluate the cause of such war as, whether such war is just war or unjust, but illustrated the fact that extreme to state formation causes a war, and tried to theoretical substantiate this fact.

1. **Less feeling of Sense of patriotism**

Less feeling of patriotism on the other hand may cause the war, since people or certain ethnic groups who felt themselves less patriotic, lose sense of patriotism in relation they have externally and internally at their home. The word “Patriotism” comes from the Latin word “patria” meaning “a country”, and patriotism implies a love of country and readiness to sacrifice when ever need arises for the safeguarding of the motherland[[18]](#footnote-18). Less patriots, never go to vote their leaders, less patriots do not care about the fate of their country, less patriots are opportunities; (work, live, go there, where it is convenient for them). If sense of patriotism is lowered, and majority of people of one country, become less patriotic, the country will suffer from the collapse and ultimately will be collapsed. Bribers are less patriots, laziness is the manifestation of less patriotism, political bargain is manifestation of less patriotism, cheating at exams is less patriotism, ignoring leadership is less patriotism, marginalization from the politics, laws and rule of law is also manifestation of less patriotism.

The worst manifestation of less patriotism is when a citizen or a group of citizens laundering national money for his personal use. The research conducted on the theme “The Absence of Rule of Law in the Ethiopian Construction Industry”, of 88 respondents, 39.8% and 30.7% confirmed that less feeling of patriotism in the country in general and in construction industry in particular causes the absence of Rule of Law in the sector[[19]](#footnote-19). If majority of population in the country has not enhanced sense of patriotism, the country never prospers. In this case leaders will cheat their country in collaboration with foreign citizens suited for this purpose, teachers, engineers, and other key professionals do not care about the fate of their countries.

1. **Absence of political leaders commitment**

The word “Politics” derived from Greek word “**Politika”** meaning “affairs of the cities”, which refer to the set of activities[[20]](#footnote-20)that are associated with making decisions in groups, or other forms of power relations between individuals, such as the distribution of resources or status[[21]](#footnote-21).

Today, politics is studied in academy and politicians are advised to be educated in political science. The more number of skilled and educated citizens increases in the country, the more the country needs highly qualified political leaders. In some African countries, bribery and corruption is at peak, and rule of law is disrespected not only by the ordinary citizens, but also by the political leaders themselves. Specially, in the construction sector, where huge money is allocated for the infrastructure development, for mega construction projects where national and monies obtained through loan flow, the sector is highly corrupted. For example, in the research conducted in the theme “Absence of Rule of Law in Ethiopian Construction Industry”, of 88 respondents, more than 80% of respondents showed their disappointment to the political leaders, believing that there is no political commitment from the side of political leaders. Accordingly, 48.9 % and 33% of the respondents rated very high and high respectively the less commitment of political leaders to facilitate conditions for the proper implementation of rule of law in the Ethiopian Construction Industry.

This can be viewed as critical situation that may lead political instability in the country, which ultimately causes conflict and even war in the country.

1. **Less concern for the Rule of Law**

In legal literature the terms like ,”law”,” rule”, and “rule of law” are frequently used. There are various definitions of law, rule and rule of law in literatures. But, for the purpose of this paper, the writer is limited only to the more authoritative documents that give precise definitions. In the B**lack Law Dictionary, Law is defined as** the regime that orders human activities and relations through systematic application of the force of politically organized society[[22]](#footnote-22). In the Concise Law Dictionary, “Rule” is defined as a definite regulation prescribed as a law of conduct. Rule is regulation, which prescribes or lays down a general standard or guide to conduct which breach causes sanction[[23]](#footnote-23). In Oxford Advanced Learner’s Dictionary the word “rule” is termed as statement of what can, should or must be done in certain circumstances[[24]](#footnote-24).

As regard to the rule of law, lawyers and non-lawyers spend a lot of time discussing what the rule of law is. The definition of rule of law given by the UN is quite a mouthful. ***The term “rule of law” refers to a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency[[25]](#footnote-25).***

***As it is obviously manifested from the definitions given above, when law and rule regard regulations of the behavior or conduct of people, in the politically organized society, rule of law amplifies the principle of governance to which all subjects of law( individuals, entire people, organizations, leaders etc…) adhere to.***

There where, the supremacy of law is impracticable, there is no ground for the functioning of the legitimate power and there is no ground for the fair or equitable distribution of powers and resources. These all may cause unexpected disagreement and conflict among the citizens, and ethic groups that ultimately cause the war.

**Part III: Theoretical foundation of just war**

There might be literatures dedicated to the war and its cause before the Cicero and St. Augustine. But for the purpose of this paper the writer prefers to highlight about just war starting from the time of Cicero and St. Augustine.

Cicero (106 B.C. – 43 A.D.) condemns war arguing that rashly to engage in line of battle and hand to hand to fight with an enemy is somehow monstrous and like the actions of wild beasts[[26]](#footnote-26), and recommended people to always plan for peace. In the Republic, Cicero creates the model state and argues that this state had the right to use military action on a group of people who were not capable of exercising justice[[27]](#footnote-27). Cicero further wrote that the first office of justice is to keep one man from doing harm to another, unless provoked by wrong; and the next is to lead men to use common possessions for the common interest, private property for their own[[28]](#footnote-28). Cicero on the other hand recommended that in order to be a war is just war, it must be declared ahead from other side, provided, warning precedes the declaration of war[[29]](#footnote-29). He further adds that people to war, with ultimate goal to live unharmed and after the victory is won, winners should spare those who have not been blood-thirsty and barbarous in their warfare[[30]](#footnote-30). Some centuries later after the death of Cicero in 43 A.D, religious oriented philosophy of Saint Augustine developed theory of Just war.[[31]](#footnote-31)

The Just war theory of Augustine was advanced when Rome had almost lost its control of the world over its vast territory, and falling to other powers. Being worried about moral values of fighters in war, Austin identified two aspects of war that required moral justification and guiding principles, when 3rd Guiding principle regarding war was developed then after.

These Guiding principles developed in the frame work of the Just war theory[[32]](#footnote-32) are:

1. The right to go to war (Jus Ad Bellum);
2. The right sorts of conduct in war (Jus in Bello);
3. The post war Justice (Jus post Bellum).

Even if the just war tradition usually revolves around two crucial points, v.z., the justness of a war and the justness of a way that war is fought,[[33]](#footnote-33) when Jus Ad Bellum and Jus in Bello have been serious discussion and debate over whether a war is moral, much less has been said about Jus post Bellum (as what happens after a war)[[34]](#footnote-34). Aftermath of war is also crucial to the justice of the war. Thus, This the third Jus post Bellum is required not only for the sake of completing theory of just war, but to urge political leaders or political theorists, these arguments revolving around Jus post Bellum are morally compelling and show them the importance of theoritizing post war justice[[35]](#footnote-35). By the word of Bass Gray, there was no comprehensive effort on **Jus post Bellum** until the Brian Orend`s work titled Helpful War and International Justice: A contian perspective[[36]](#footnote-36) was published. He lists five principles:

(i) a just termination of the war once its objectives have been largely met, (ii) Right intention, meaning no revenge; (iii) working with a legitimate domestic authority that respects human rights; (iv)Discrimination; meaning no collective punishment; and (v) proportionality.

However, if the first two Augustine’s just war theory are not justified as well as obtain recognition, accepting or adhering to the Jus post Bellum is un thinkable. Thus, let us see Augustine`s Justification about the Jus Ad Bellum (the right to go to war); which laid the basis of it four main criteria, that to be strictly observed:

1. Last Resort - the wager must assure that every other means of righting the wrong has been attempted sincerely and only war option remains;
2. Right intention - the wager, must assure that the response is proportional to the cause, v.z., the war action is limited to righting the wrong and no further;
3. Just cause – the wager assures that, the wrong has been committed to which only the war is appropriate response; and
4. Just Authority- the wager to assure that the decision to go to war is based on legitimate political and process.

All the above presented four criteria of the Augustine`s Jus war Theory, are justification for the Jus Ad Bellum theory. As regard to the justification and criteria for just in Bello, he proposed the following three criteria to be strictly observed in war[[37]](#footnote-37):

1. Proportionality – the wager is to assure that the degree of allowable force used in the war must be measured against the force required to correct the just cause and limited by just intention;
2. Discrimination- the fighter must discriminate while fighting the combatants from non combatants, that is, innocent non-military people should never be made the target of attacks; and
3. Responsibility[[38]](#footnote-38)- the fighter (country) is not responsible for unexpected side effects of its military activity as long as the following three conditions are met:

* The action must carry the intention to produce good consequences;
* The bad effect is not the intention of the fighting country; and
* The good of the war must outweigh the damage done by it.

Even if the Just war theory of Cicero and Augustine grounded on the morality, and what the conduct of wager, before, in and after the war must look like has been theoretically justified, in practice, such justification cannot be turned in to reality. Moreover, the popular another theory, justice in war is simply **might is right** early developed by Plato is clear obstacle for the realization of Just war theories founded by Cicero and ST. Augustine.

The might is right theory supports the idea that whosoever has greater power is able to dominate others and so is in a position to determine what is just and un just. This proposition clearly man fests, the statement of Plato that “justice is the interest of the stronger”[[39]](#footnote-39). Numerous nations, especially politically and economically empowered nations have followed this proposition, giving less attention to Jus Ad Bellum, Jus in Bello or Jus post Bellum.

Since, war cannot be totally avoided from the life of society for ever, the guiding principles before, during and after the war must be universally recognized, unless otherwise the fighters will act like wild beasts.

The scholastic doctrine of the just war as expounded by the greatest moralist of the Middle Ages, Thomas Aquinas, is built up on the principles of Augustine, whose teachings are reduced to three fundamental rules. According to him, a war to be just must (i) be waged under the authority of a prince as the reasonable leader of a nation, not by private individual; (ii) it must have a just cause; and (iii) the belligerents must be animated by the right intention, namely to advance the good or to avoid the evil[[40]](#footnote-40) .

* What would be fate of defeated army? As underlying principle just post bellum dictates, a defeated army and indeed the civilian body from which the army stems should thus be prepared to subject itself to the imposition of rules and forms of punishment, humiliation and even retribution[[41]](#footnote-41) that it would no otherwise agree to.

The lives, values and resources that have been fought for must now be handed over to the conquerors.

* It is evident that in so many wars in his to both ancient and modern, victory has provided the winners with means of exploiting the defeated nations and for claiming rights over is lands and people whether in the forms of enslavement. John Locke well illustrated as to what extent the rights of winners over the defeated can be exercised. Locke argues that the victors rights does not extend to the aggressive nation’s civilian population, but that it does extend to those all engaged in the aggression and that is extends absolutely v.z. the just conqueror has absolute right of life and death over the defeated aggression[[42]](#footnote-42).
* John Locke also worried about those who may be defeated by unjust aggressor. In this case, he wrote that unjust defeated people should bide their time until their conquerors live. He also added that if God has taken away all means of seeking remedy, there is nothing left, but patience[[43]](#footnote-43).

On the other hand Machiavelly warned that killing an opponent’s family is likely to raise their ire, but taking away their land is guaranteed to continue the fight over generations[[44]](#footnote-44).

**Part IV: Just war and International Law**

Many attempts have been made to incorporate Just war theories, v.z., Jus Ad Bellum, Jus in Bello and Jus post Bellum in international law, mostly since the Treaty of Westphalia (1648), which ended the thirty years war in Europe, to develop binding laws of war and military codes of conduct[[45]](#footnote-45). In this regard, the Hague Convention of 1899 and 1907 and the Geneva conventions attempted to regulate conflict and the treatment of prisoners of war and civilians by imposing international standards on fighting counter parties. The three principles established by conventions to govern conduct during war[[46]](#footnote-46) are:

(i)Targets should include only combatants, legitimate military and industrial complexes; (ii) Combatants should not use unjust methods or weapons such as torture and genocide; and (iii) (3) the force used should be proportionate to the end sought[[47]](#footnote-47).

Several other related treaties have been adopted since then. In contrast, the Geneva Convention of 1864 and subsequent Geneva Conventions, notably the four 1949 Geneva Conventions and the two 1977 Additional Protocols, focus on the protection of persons not or no longer taking part in hostilities. Both Hague Law and Geneva Law identify several of the violations of its norms, though not all, as war crimes. However, there is no one single document in international law that codifies all war crimes. Lists of war crimes can be found in both international humanitarian law and international criminal law treaties, as well as in international customary law.[[48]](#footnote-48)

The 1949 Geneva Conventions have been ratified by all Member States of the United Nations, while the Additional Protocols and other international humanitarian law treaties have not yet reached the same level of acceptance. However, many of the rules contained in these treaties have been considered as part of customary law and, as such, are binding on all States (and other parties to the conflict), whether or not States have ratified the treaties themselves. In addition, many rules of customary international law apply in both international and non-international armed conflict.[[49]](#footnote-49)

The term ‘international humanitarian law’ refers to the current understanding of the ius in bello – the laws concerning the conduct of warfare. International humanitarian law is part of the body of international law that governs relations between states. It aims to protect persons who are not or are no longer taking part in hostilities, the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict in the conduct of hostilities.[[50]](#footnote-50)

The ICRC, which is considered to have a special relationship with international humanitarian law as its guardian and promoter constantly, develops rules of war.

10 rules of war, which also known as international humanitarian law developed by International Committee of the Red Cross have been listed as follow:

* Protect those who are not fighting, such as civilians, medical personnel or aid workers.
* Protect those who are no longer able to fight, like an injured soldier or a prisoner.
* Prohibit targeting civilians. Doing so is a war crime.
* Recognize the right of civilians to be protected from the dangers of war and receive the help they need. Every possible care must be taken to avoid harming them or their houses, or destroying their means of survival, such as water sources, crops, livestock, etc.
* Mandate that the sick and wounded have a right to be cared for, regardless of whose side they are on.
* Specify that medical workers, medical vehicles and hospitals dedicated to humanitarian work cannot be attacked.
* Prohibit [torture](https://www.icrc.org/en/torture) and degrading treatment of prisoners.
* Specify that detainees must receive food and water and be allowed to communicate with their loved ones.
* Limit the weapons and tactics that can be used in war, to avoid unnecessary suffering.
* Explicitly forbid rape or other forms of sexual violence in the context of armed conflict.[[51]](#footnote-51)

The above listed 10 rules of war grounded on the Just war theories and guiding principles we have already discussed, of course with more elaborated manner and explicitly explanations.

**Part V: Conclusion and Recommendation**

**Conclusion**

After reviewing books, journals and internet sources dedicated to just war, the writer came to the following conclusions:

Humans are born naturally with unlimited natural rights, and have extreme desire to realize them, in the environment of different attitudes, and ambitious desires, different believes, social, cultural and educational backgrounds. If all these diversity are not accommodated at the great degree, disagreements and conflicts which ultimately lead to the war in the worst situation the war of everyone against everyone is inevitable.

As far as absolute prohibition of war is impossible, developing guiding principles of war become the duty of legal and religious philosophers.

Accordingly, in the spanning history from the times of Cicero and St. Augustine up to date, just war theories – that comprise proposition on justifying the right cause of the war and the right actions to be pursued after the war, in general guiding principles of war have been developed. Accordingly, justification about the right to go to war, the right of conduct in war and recommendative measures to be taken in post war have been developed.

Since all these conducts to be done before, during and after the end of war are to be grounded on the morality of humans, and moral understanding by humans is varied from persons to person, from community to community and from state to state, realization of just war theories or guiding principles of war are no long applied in to practical life.

Even if, just war theoretical beginnings have been recognized by some international conventions, such as Hague Convention (1899 and 1907) and Geneva Convention, yet their implementation are not fully guaranteed due to the absence of strong monitoring and evaluating institutions, in the hot where war is waged.

Moreover, some conception like the **might is right** – that supports the idea whosoever has greater power is able to dominate others and so is in a opposition to determine what is just and unjust – developed by Plato, has become obstacle for the proper implementation of **Just Ad Bellum, Just in Bello and just post Bellum.**

**Recommendations:**

Based on the review of books, Journals and internet sources dedicated to the just war theories, the writer recommends the following:

* The authority is advised to try to eliminate or at least minimize sources of conflicts such as unjust distribution of resources, overacted glory, violation of freedom of humans and provoking situations that are inviting the authority to wage war.
* If war is inevitable, yet the authority better try taking any available measures till it has exhausted and ultimately convinced itself that only war remains as a last solution;
* If war is taken as a last option, the victors rights do not extend to the aggressive nation’s civilian population, but only to defeated aggressors;
* The victors better refrain themselves from acting as wild beasts in relation to defeated aggressors, since this guarantees to continue the fight over generation;
* To live in peace and security, humans better limit their unlimited natural rights and conduct moderate life.

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1. https://www.dictionary.com; [↑](#footnote-ref-1)
2. The word “Principle” refers to the fundamental truth that services as the foundation for certain behavior or for a chain of reasoning (see https:// www.dictionary.com); [↑](#footnote-ref-2)
3. The word “equitable” refers to impartiality or fairness that is to be manifested during the distribution of resources, ‘equitable distribution of resources’; [↑](#footnote-ref-3)
4. The word “proper” may refer to the something done in the manner required, in the manner acceptable, etc, (see https://www.dictionary.com); [↑](#footnote-ref-4)
5. See http://www. Biblehub.com; [↑](#footnote-ref-5)
6. See http:// www.dictionary.com; [↑](#footnote-ref-6)
7. Ibid; [↑](#footnote-ref-7)
8. The word “Conflict” refers to a serious disagreement or argument or discord of action of feeling antagonism or opposition; [↑](#footnote-ref-8)
9. See http:// Creativeconflicwisdom –worldpress.com; [↑](#footnote-ref-9)
10. This is not fair competition within the real or defined system, but inspired with an egoistic extreme; [↑](#footnote-ref-10)
11. This refers to the man or community of peace lovers, but who are forced to quarrel with others for the sake of their safety or for the safety of others; [↑](#footnote-ref-11)
12. This is the case where an individual or an ethnic group or one nation extremely ambitious to be Number One in the village or in the country, or even in the world; [↑](#footnote-ref-12)
13. See http://creativeconflictwisdom.worldpress.com; [↑](#footnote-ref-13)
14. See http://creativeconflictwisdom.worldpress.com; [↑](#footnote-ref-14)
15. See Omelichenko, O.A. 1999 General History of State and Law, Vol.I Moscow; [↑](#footnote-ref-15)
16. See Omelichenko, O.A. 1999 General History of State and Law, Vol.I Moscow; [↑](#footnote-ref-16)
17. See Marx K, and Engels F., Collection of works and Girma G. (2007), “The World History of Law and Legal Institutions: Ancient, Modern and Contemporary”, 2nd edition; Commercial Printing Enterprise. The book broadly illustrates the root cause of the formation of states, in the ancient Babylon, Egypt, China, India, Greece and Rome; [↑](#footnote-ref-17)
18. (see <https://www.shabdkosh.com/dictionary/englishtimil> ) [↑](#footnote-ref-18)
19. See Girma G (2019), Assessment of the Level of Absence of Rule of Law in Ethiopian Construction Industry, and Construction Mnagement, Vol.2 No. 2, P 7 [↑](#footnote-ref-19)
20. In the Ancient Greece cities were viewed as states or polishes, having limited boundary with limited population. [↑](#footnote-ref-20)
21. See https://dictionary.combidge.org/dictionaryEnglish/politics [↑](#footnote-ref-21)
22. [↑](#footnote-ref-22)
23. Concise Law Dictionary, 3rd edition (reprint, 2006) p. 1033 [↑](#footnote-ref-23)
24. Oxford Advanced Learner’s Dictionary, Oxford University Press 4th edition 1989, 11th Impression 1994. P.1106 [↑](#footnote-ref-24)
25. *\*(*[*https://www.open*](https://www.open) *society foundation .org/)* [↑](#footnote-ref-25)
26. Harrer G.A. Cicero on peace and war. University of North Caroline (see <http://www.jstro.org/stablejussed>) on Nov. 18, 2020; [↑](#footnote-ref-26)
27. Neste B.V. (2006) Cicero and St. Augusine’s Just War Theory: Classical Influence on a Christian Idea (University of South Florida, School of commons); [↑](#footnote-ref-27)
28. It can clearly be understood that Cicero promotes peace but permits war if it is deemed necessary, such as provocation from other’s side and recommend use of properties from the common interests, of course, without prohibition of private property; [↑](#footnote-ref-28)
29. Cicero on just war (see <http://www.satyagraha.wordpresli.com>;. [↑](#footnote-ref-29)
30. Ibid; [↑](#footnote-ref-30)
31. St. Augustine`s Just war theory involves eight principal elements, namely; (i). a punitive conception of war (ii). Assessment of the evil of war in terms of the moral evil of attitudes and desires; (iii). A search for authorization for the use of violence, (iv). A dualistic epistemology which gives priority to spiritual goods, (v) interpretation of evangelical norms in terms of inner attitudes, (vi). Passive attitude to authority and social change, (vii). Use of Biblical text to legitimate participation in war, and (viii). An analogical conception of peace. The theory does not include non combatant immunity or conscientious objection (John Lang an (1984)see the elements of ST. Augustine’s Just war theory, Journal of Religious Ethics, Vol.12, No 1, pp.19 - 38) [↑](#footnote-ref-31)
32. See Internet Encyclopedia of philosophy (see https://) [↑](#footnote-ref-32)
33. Bass Gary J. (2004), Jus post Bellum, USA, Blackwell publishing, Inc. philosophy and public Affairs, 32, No 4. [↑](#footnote-ref-33)
34. Ibid; [↑](#footnote-ref-34)
35. Ibid; [↑](#footnote-ref-35)
36. See Brian on rend (200), Helpful war and International Justice: A cantina perspective, water 100, on.: Wilfred laurite University press,pp.217-63 [↑](#footnote-ref-36)
37. See Internet encyclopedia philosophy (see <https://www>. ) [↑](#footnote-ref-37)
38. In war, where man to man fighting is an enviable, it would be difficult to assure the good consequences of the war. [↑](#footnote-ref-38)
39. see Trasymachus in Plato`s Republic [↑](#footnote-ref-39)
40. (See Elbe Joachim V. (n.d), the evaluation of the concept of the just war in International Law, The American Journal of International Law (Available at https:// about jstor/terms). [↑](#footnote-ref-40)
41. See Girma G. (2007); [↑](#footnote-ref-41)
42. See Second Treaties, §177; [↑](#footnote-ref-42)
43. (see <https://iep.utm.edu/just> war) [↑](#footnote-ref-43)
44. Ibid; [↑](#footnote-ref-44)
45. See <https://www.britannica.com> /topic/ just- war (Assessed, 19,2020). [↑](#footnote-ref-45)
46. See <https://www.britannica.com> /topic/ just- war (Assessed, 19,2020). [↑](#footnote-ref-46)
47. This clearly show that just war theory developed by Cicero (106 B.C – 43 A.D) and ST. Augustine (354 -430) got recognition especially, Jus in Bello in the Hague convention (1899 and 1907) and Geneva convention 1949. [↑](#footnote-ref-47)
48. International customary law is conventional law which can be accepted practically without formal agreement. [↑](#footnote-ref-48)
49. Many international customary rules have got recognition in the conflicts having non- international character. This is the case due to absence of at least in theory, developed principles guiding conflicts arisen within a country, for examples, conflicts between different ethnic groups. [↑](#footnote-ref-49)
50. Alexander A (2015), A Short History of International Humanitarian Law, The European Journal of International Law, Vol.26, No. 1 PP 110-111 [↑](#footnote-ref-50)
51. International Committee of the Red Cross (2016), The 10 things the Rules of War do (<https://www.icrc.org/document/10things> rules-of-war-Geneva-conventions). [↑](#footnote-ref-51)