
AN EVALUATION OF D'ENTREVES' NOTION OF LAW AND THE CHALLENGE OF TERRORISM IN NIGERIA

Elijah Okon John

*Department of Philosophy
University Uyo, Nigeria
elijahjohn@uniuyo.edu.ng
+2347032878732*

Udoh Godwin Udoh

*Department of Philosophy
University Uyo, Nigeria*

Abstract

This paper shall examine the idea and nature of terrorism and the dangers it poses to the Nigerian system. It considers the reign of terror that has been perpetrated by terrorist groups and how it has resulted in wanton waste of precious human lives. There have been efforts by the government of Nigeria especially through the military to rescue the nation from this menace, but these efforts are clearly not enough, given that innocent citizens are still being assaulted, maimed and killed at the slightest of opportunities by different terrorist groups domiciled in and operating within the country. The activities of these immoral men have not only taken sleep away from the eyes of Nigerian citizens, but it has shaken the political, economic, religious, legal, cultural and the security apparatuses of this nation to their foundations, undermining all important moves made by constituted authority to curb its dangerous spread, and showing reckless disregard for the sanctity of human life. The paper attempts to apply Alexander Passerin D'entreves' notion of law to see how it can be harnessed and applied in addressing what has proven to be an international shame. To achieve this aim, this work shall adopt qualitative method as it tries to bring about a holistic picture of terrorism in Nigeria and the way forward.

Keywords: *D'Entreves, Law, Natural Law, Legal Positivism, Terrorism, Nigeria*

Introduction

Herbert Spencer as quoted by Elijah John, succinctly remarked that "justice is in a man when doing what he wills provided it does not infringe on the freedom of any other person" (2020:88). The key question is: does terrorism infringe on the freedom of others? Certainly, the menace of terrorism is increasingly truncating global peace and significantly threatening the existence of humanity. Nigeria as a nation continues to face multiple challenges posed by various terrorist groups, with devastating consequences in terms of loss of human lives or permanent disabilities with thousands of internally displaced persons and immensely negative implications for economic and social development. Terrorism is not new. It is as old as the history of human existence. However, it has taken a frightening dimension in the 21st century. It has rapidly become a more sophisticated, well-orchestrated and tactically executed crime; thus, establishing its place as one of the most appalling crimes against the human race.

The Nigerian security forces have been incapacitated, and quite unable to restore permanent order to the polity, as can be seen in the 2022 attack launched on the Nigeria Defense Academy. The failure to rescue and recover the over 200 Chibok schoolgirls kidnapped in April 2014, and those abducted in Dapchi few years later, clearly portrays how porous the security situation in Nigeria has degenerated to. The annexation and destruction of villages and towns in North-Eastern Nigeria, the coordinated explosive assaults on the UN Headquarters in Abuja and other important security agencies, the reign of terror on our religious outfits and the general public has created palpable fear, and no one knows what to expect in the next minute. Having failed in the use of force in combating terrorism, it becomes pertinent to consider D'entreves' ideas of natural law and how it can be applied to remedy the chaotic security situation occasioned by heinous activities of terrorist groups in Nigeria. In doing this, we shall briefly take a look at the person of D'entreves, his idea of law, what terrorism is, the Nigerian experience of terrorism, as well as how the ideas of D'entreves can help mitigate acts of terrorism.

The Notion of Law

Discussions concerning the subject-matter of law are almost always controversial, given the knotty nature of law. Hence, it is extremely difficult to have an all-encompassing, generally appreciated definition of what law is. However, the historical, sociological, metaphysical and the analytic schools of thought have all made meaningful points as regards the nature of law.

Rudolph Von Ihering (1913) accepts law to be the form of the guarantee of conditions of life of society, assured by states power of constraint. Oliver Wendell Holmes (1897:459) defines law as a “statement of the circumstances in which public force is brought to bear upon through courts. Thomas Hobbes (1968:102) considers law to be the command of the sovereign, while Hornsby defines law as a system of rules that everyone in a society must obey (2005:835). The above notwithstanding, this paper employs St. Thomas Aquinas' definition of law which encompasses the basic features that are expected in a comprehensive law. According to Aquinas (1987:7), law is an ordinance of reason, directed towards common good and promulgated by the one who has the care of the community. Three important issues can be extracted from this definition, namely:

Ordinance of Reason: This means for law to be what it ought to be, it must be reasonable enough.

Common Good: That law must not be selective but must be created for the common good.

Promulgated by someone with the care of the Community: The law must be promulgated by an acceptable leader(s) who must be fair to all and an individual or a section of the people must not be marginalized. Any law that remotely or clearly violates any or all of these standards becomes a perversion. Furthermore, the controversy rumbling between the natural law theorists and the legal positivists has not allowed for a free-flow in the study and dynamics of law. Legal positivism and its disciples all reject the theory of natural law, they argue that a scientific investigation of law is efficient enough for the entire understanding of law, while the natural law scholars, including D'entreves, insist that legal positivism will always fall short in its attempt to offer a holistic account of law, if they set aside the viability of natural law. Suffice it to say, therefore, that it remains a herculean endeavour to meaningfully assemble a solid account of law, without referencing the fundamental status of the natural laws (which the positivists have summarily abandoned).

Who is D'entreves?

Alexander Passerin D'entrèves was a native of Aosta Valley, in the North of Italy, born in the city of Turin on 26th of April 1902. He was a renowned philosopher of political philosophy and a historian of law, noted for his scholarship on dynamics of politics, and particularly the natural law theory. D'entreves studied at the University of Turin, and later bagged a doctorate degree in 1932 from the University of Oxford. He was a professor briefly at Messina, before proceeding to Pavia and then Turin. He engaged in the Italian resistance during World War II in the Aosta Valley, and was one of the founding fathers of the Faculty of Political Science, University of Turin in 1969, and eventually became its first President. He was the President of the International Association for the Philosophy of Law and Social Philosophy from 1967 to 1971. Amongst his most important publications are: *Natural Law: An Introduction to Legal Philosophy* (1951) (regarded as a "classic study" of the subject) and *The Notion of the State: An Introduction to Political Theory* (1967). D'entreves died on 15th of December 1985, after an eventful 83 years on earth.

D'entreves' Notion of Law

D'entreves concedes that the phenomenon of law cannot be clearly and convincingly articulated. He argues, however, that the best way to consider law is to resort to natural law for an "illumination of problems rather than for a blueprint of detailed solutions" (1956:81). D'entreves tries to show that natural law can shed light on a number of problems, including the nature of law, the relationship between legal and moral obligations, and the necessity of referring positive law to some ideal standards. On each of these problems, he believes that natural law has something tangible to offer. Therefore, D'entreves holds that natural law is nothing

other than a name for the right answer. He concludes that the best way for reassessing the case for natural law is to reassess the value of that answer.

A closer look at the history of jurisprudence reveals that all through the ages the problem of defining what law is has almost constantly been in the mind of the jurists. In other words, the major problem of law according to D'entreves is that of the nature, or the essence, or simply put, the definition of law. Thus, he believes strongly that natural law is central to the resolution of the age-long controversy hovering around the phenomenon of jurisprudence. He argues that even in quite recent days and in very respectable quarters the old problem of jurisprudence, which is the problem of the nature and essence of law is still chosen as a subject for academic discussions at the highest level.

D'entreves thus maintains the view that the controversy surrounding law is more than just a scholastic quibble, as it holds the key to proper societal arrangement. But he strongly believes that natural law implies a particular answer. For him, natural law thinking implies a certain attitude towards the problems of the definition of law. Wherever that attitude can be traced, we may be almost sure that natural law has had its say; we may even be justified in using natural law as a provisional heading. Regarding the discussion on whether law is an *actus intellectus* or an *actus voluntatis*, natural law theorists have always and invariably sided with the first part of the alternative. D'entreves opines thus:

I think that this conclusion applies not only to the medieval Schoolmen, but also to the modern "secularized" theory of the law of nature. Both Grotius and Locke certainly accepted the view that the essence of law is not will but reason. So did, unless I am mistaken, the Fathers of the American Constitution. There are, of course, some notorious exceptions. Hobbes, the best known among them, with all his talk about the law of nature, is really outside that tradition of natural law still so much alive in the Declaration of Independence. Hobbes is in fact the forerunner and founder of that theory of law which has ignored natural law altogether (1956: 7).

That theory has come to be known by a name which is usually taken to express the modern attitude towards the problem of law: the theory of "legal positivism". Alessandro Passerin D'entreves considers this theory an ambiguous name which rejects any quest after the reason or justification of the law, and which no doubt, in the old discussion whether the essence of law is reason or will, would have sided with the second part of the alternative.

D'entreves establishes that from Hobbes to Austin and then to the present-day "positivists": the line seems as continuous and unbroken as it is from Cicero to the founding fathers. Yet the continuity of certain patterns of thought should not blind us to the differences which may and do separate one age from another. D'entreves professes thus:

I am not sure that modern legal theory, with all its insistence on "positivism", would still stand, without many qualifications, by Hobbes' definition of law as the command of the sovereign. I have an impression, in other words, that contemporary legal thought, though still terming itself "positivist," has, on the whole, abandoned the will-theory of law and is groping for some new and more satisfactory definition. Actually every treatise on jurisprudence nowadays seems to contain a preliminary section devoted primarily to showing that the identification of law with command is not an adequate explanation of legal phenomena (1956: 8).

D'entreves therefore, strongly opposes legal positivism and the reason for the call for the relegation of positivism in modern jurisprudence is that the will-theory of law, does not provide an adequate explanation of certain important aspects of legal experience. It does not, for example, explain the nature of constitutional law. The laws of a constitution, whether written or unwritten, are not commanded; they are accepted. They have no "sanction" in the normal sense of the word; nor can such sanctions be said to exist even in those constitutions providing a mechanism for the control of the constitution itself.

Defining law or considering law on the basis of power relations alone without reference to its ethical basis, which is the moral law predicated upon the natural law, immediately creates a question mark upon such law. Any law, therefore, that is constructed outside the laws of nature is either an evil law or simply not a law in the first place.

What is Terrorism?

It is extremely difficult to have a univocal definition or an accurate legal consensus as regards the meaning of terrorism. Different government parastatals, agencies and legal systems have given and adopted myriads of interpretations on the issue of terrorism, and one of the major reasons for the lack of an agreeable, legally binding definition is because the action is politically, religiously and emotionally triggered. Defining terrorism therefore remains highly controversial as it largely depends on the perspective from which one envisions it.

Several attempts have been made since the 1920s to achieve an international agreement on the definition of the crime of terrorism, but to no avail. Repeated efforts have been made since year 2000 in the UN General Assembly to draft a comprehensive convention on international terrorism but they remain frustrated by a very strong disagreement over the definition, in particular the insistence by some delegations on drawing a clear distinction between illegal “terrorism” and the use of force and violence in the exercise of the legitimate right of peoples to seek self-determination and resist bad governance. Hoffman argues that despite the absence of a univocal definition:

Terrorism could occur from an ineluctably political aim and motive of violence or threat of violence designed to have far-reaching psychological repercussions beyond the immediate victim(s) or target, conducted by an organization with an unrecognizable chain of command or conspiratorial cell structure, whose members do not wear uniform or identifying emblem (2013: 109).

Bockstette pictures terrorism from a psychological perspective as a:

Political violence is an asymmetrical conflict that is designed to induce terror and psychic fear (sometimes indiscriminate) through violent victimization and destruction of non-combatant targets (sometimes iconic symbols). Such acts are meant to send a message from an illicit clandestine organization. The purpose of terrorism is to exploit the media in order to achieve maximum attainable publicity as an amplifying force multiplier in order to influence the targeted audience(s) in order to reach short- and midterm political goals and/or desired long-term end states (2008: 67).

Similarly, as regards the absence of a unified, all-encompassing, definition of the term, Saul opines:

Terrorism currently lacks the precision, objectivity and certainty demanded by legal discourse. Criminal law strives to avoid emotive terms to prevent prejudice to an accused, and shuns ambiguous or subjective terms as incompatible with the principle of non-retroactivity. If the law is to admit the term, advanced definition is essential on grounds of fairness, and it is not sufficient to leave definition to the unilateral interpretations of States. Legal definition could plausibly retrieve terrorism from the ideological quagmire, by severing an agreed legal meaning from the remainder of the elastic, political concept. Ultimately it must do so without criminalizing legitimate violent resistance to oppressive regimes and becoming complicit in that oppression (2008: 76).

Despite the fact that terrorism has no univocal definition, we can generally take terrorism to mean:

(a) Any premeditated act causing death, terror or grievous bodily harm or loss of liberty to a government or society, persons exercising the prerogatives of the State, their hereditary or designated successors, the relatives of such persons, or person charged with public functions or holding public positions when the act is directed against them in their public capacity.

- (b) A premeditated act calculated to destroy or damage public property or property devoted to public purpose, family or a group of people..
- (c) Any premeditated act likely to cause terror or imperil human lives through the creation of public danger, in particular, the seizure of aircraft, the taking of hostages and any form of violence directed against persons who enjoy international protection or diplomatic immunity.
- (d) The manufacturing, obtaining, possessing, supplying or use of arms, ammunitions, explosives or harmful substance(s) with a view to unleashing terror - this may include terror in the cyber space.
- Moreso, the United Nations General Assembly in 1994, in condemnation of terrorist acts describes terrorism as:

Criminal acts intended or calculated to provoke a state of terror in the public, a group of persons or particular persons for political purposes are, in any circumstance, unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them (1994: 8).

This definition by the United Nations however seems not to capture the inclusive perspective on international terrorism that internalizes a single, all-encompassing, legally binding explanation of the meaning of terrorism. The above attempts at defining terrorism notwithstanding, we shall define terrorism in this paper as a premeditated violence from different considerations namely: politics, religion, tribes or race, etc - perpetrated against non-combatant targets by armed individual(s) or group of individuals or faceless agents in some cases through kidnapping and destruction of property. Put differently, terrorist attacks are strategically orchestrated to affect a huge number of targets. They do this in order to instil full fear, release terror on individuals or group of people subdue the leadership of the society or the country they are fighting, so as to possibly achieve their main aim and central objective.

Terrorism: The Nigerian Experience

Nigeria as a nation did not experience the menace of terrorism (with this intensity) in the early years of its independence. Terrorism as it were, reared its ugly head about two decades ago, gained momentum in the late 2000s and later metamorphosed into the mind-boggling, hydra-headed phenomenon that has come to stay in today's Nigeria. A closer look at terrorism reveals that it breaks down law and order, causes disharmony, disunity and instigates other inhuman and antisocial consequences in the society. It is a sign that a formal authority is ineffectual and that checks and balances in governance are not working since little or no prosecution of cases exists.

Nigeria and her citizens have helplessly grappled with terrorist-related crimes, and have been reported to be a country with the largest number of victims from terrorism among the 163 countries according to 2014 Report on the Global Terrorism Index. The rise in stature of 'Boko Haram' in Nigeria, has led to loss of thousands of lives and wanton destruction of property. This sectional Islamic group has steadily grown to become one of the most dangerous terrorist sects in the world. This group which operates mostly from the North-East and other Northern parts of Nigeria tends to operate with a strategy slightly different from that of other parts of the world. Bombings and the use of other explosives are part of their wicked activities mostly to perpetrate their acts through organized gang armed assault, significantly employing the use of fire riffles. This point is properly captured by Global Terrorism Index in Nigeria 2014, where it explains that; "Armed assault caused 85% of Nigeria's terrorism deaths in 2013, as opposed to just 5% for bombings and explosions" (*The Report, 2015: 42*).

Kidnapping, which is the unlawful capture of individuals and denial of freedom has also been a major form of terrorism in Nigeria. There are several cases of terrorists taking hostage of politicians, well-meaning Nigerians, law enforcement agents including military personnels as well as other innocent citizens (especially women and children). The sad event of the more than 200 Chibok schoolgirls that were taken hostage in 2014, readily comes to mind. Another disheartening case is that of the kidnapped school girls in Dapchi and several other unimaginable capital-crimes by terrorist groups. This deadly criminal act

particularly attracted serious concerns from the international community, and also gave rise to the "Bring Back Our Girls Campaign" which was aimed at securing the freedom of the kidnapped Chibok school girls, some of whom up until this moment are still in captivity.

We have also experienced killings in several states of the North, as well as States in the South such as Ondo, Enugu and Rivers States, to mention but a few, from a terrorist group known as 'herdsmen' that has resulted in loss of many lives and a huge drop in economic activities of farmers and other agriculturists which ultimately impact negatively on consumer-goods buyers, and the nation in general. Another form of terror that has been unleashed on Nigerians in the last two years is that of the "Unknown Gun Men" which emanated mainly from the South-Eastern part of Nigeria.

The activities of these terrorist groups have led to the untimely death of many innocent citizens, shut-down several businesses and means of livelihood, and disrupted the general workings of a once peaceful nation. According to Cyril Etim, "philosophers are expected to describe, prescribe or even criticize systems of society together with their laws and philosophies in a bid to sort out the most acceptable conditions for human social existence" (2019: 51). Whatever its aims or objectives, be it religious, ethnocentric, political or separatist, terrorism is one of the greatest evils of all time and should be permanently checked, with perpetrators made to face the law.

The damning effect of terrorism on human rights and security has been recognized at the highest level of the United Nations, notably by the Security Council, the General Assembly, the former Commission on Human Rights and the new Human Rights Council. Specifically, member States have set out the following as effects of terrorism:

- i. It threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;
- ii. It has adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted governments;
- iii. It has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery; terrorism has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and
- iv. It threatens the territorial integrity and security of States, terrorism is a violation of the purpose and principles of the United Nations, it goes against international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.

Key Issue: Financing/Sponsoring of Terrorism in Nigeria

In line with checking the act of terrorism, it is essential to note that the metamorphosis and steady growth of terrorism in Nigeria has been accentuated by the essential and important role played by finance. Terrorist organizations cannot survive for long without finance because terrorism is an expensive venture which requires steady supply of money for its continuity and sustenance. Financing is a very viable, solidifying factor in terrorism which gives them stronger firepower. While the terrorists of old relied on crude implements such as daggers and knives which could easily be sourced, today's terrorists often need more sophisticated weapons for their operations. Terrorist organizations also require money to run their camps, feed their members and plan and carry out attacks on their targets. Etim opines that "within governments or societies directed by laws, liberty can consist only in the power of doing what we ought to will ..., that is, doing what the laws permit as opposed to doing what they forbid. It follows that if a citizen goes contrary to the law by doing what the law forbids, then of course he should lose his liberty" (2014: 194). The sponsors of terrorism directly aid and abet its perpetration and, therefore, should be tracked-down and have their liberties withdrawn. Blocking the source of terror financing may not completely

eradicate terrorism but it will greatly reduce the frequency and magnitude of attacks undertaken by terrorist groups. Even at that, there is need for proper legislation.

Evaluating D'entreves of Law and Its Implications for Terrorism in Nigeria

Recall that D'entreves was occupied with the examination of the status of natural law and emerged with a conclusion that it still stands on its merit. As much as legal positivists of the 21st century try to stifle the veracity of natural law, D'entreves maintains that natural law itself is implied in majority of the problems encountered in our society today. Questions that imply the foundations of law, the moral standing of law, fundamental rights of man, the limits of law, and the conditions for the justification of law, are still being raised in our society on a daily basis. To this end, D'entreves concludes that "legal and political philosophy are nothing else than natural law written large" (1972: 168).

For D'entreves, the origin of the idea of law sprang out of man's speculative yearning for an ideal standard of/for living, this is because there is a clear difference between "what ought to be" and "what is", between the absolute standard of law and the positive laws of the state. The natural law therefore remains the legitimate source for the ideal standard of justice, and the rejection of it, (as has been done by the legal positivists) immediately raises a doubt to the possibility of an ideal standard of justice. Positivist has chosen to focus their attention on "what is" and abandon the consideration of "what ought to be".

Justice is the watchword for D'entreves; thus, he systematically argues that a holistic and all-encompassing account of law which guarantees justice can only be sought a priori (from the metaphysical viewpoint), because a purely empirical analysis of law is akin to the wooden head in Phedrus fable, whose head may be beautiful but has no brains (1966: 99). According to D'entreves, legal positivists have failed to picture the deeper dimension of legal practice, but the natural law theory brings the awareness of the limitations of law to the jurist's table, that is to say, natural law theory helps man to realize that there is more to life than what positivism can handle.

These terrorist activities also seem to have overwhelmed our security apparatuses and the government in power in its fundamental duties of protecting lives and properties. Again, the foremost fundamental right of man, which is the *RIGHT TO LIFE* is acutely undermined. The big question is: can there ever be natural justice or natural right in the absence of natural laws? The import of this is that law tends to be deficient or less effective when natural law is relegated. Following the dictates of natural law therefore, as opined by D'entreves, terrorism is an act against the laws of nature, and an act against the laws of nature is an act against nature itself and thus irredeemably evil. This ultimate violation of man's natural rights which immediately upsets natural justice "ought not to be". This perhaps informs why the 1962 Second Vatican Council concludes:

In the depth of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience, always summoning him to love good and avoid evil.... For man has in his heart a law written by God. To obey it is the very dignity of man; according to it will he be judged (Omoregbe, 2007: 86).

There is no doubt whatsoever that terrorism is a shameful and conscienceless act. Despite the imperfections inherent in D'entreves' submission (as his ideas are not perfect), this paper agrees with D'entreves that perpetrators of terrorism, as well as those who aid and abet it, should be judged according to the laws (as affirmed by natural law theorists theories of natural law). Since sanction is a strong appendage to the law, according to Oliver Wendell Holmes, which condemns its violation and encourages its observance. It is believed that legal sanctions will largely restore the imbalance created by terrorists. By this, we would have both held the terrorists accountable for their actions and also serve out a stern warning for deterrence.

Recommendations

To address the issue of terrorism in Nigeria stakeholders are required to look critically into the underlying causes of conflicts that have shown no respect whatsoever for the sanctity of human life and ultimately

reduced our society to a near-comatose state and thus requiring a solution as a matter of emergency. Accordingly, the following recommendations shall be offered:

- i. practical steps must be taken in line with D'entreves' ideas by the Nigerian government to demonstrate adequate will to address these spates of insurgency;
- ii. the national legislation against terrorism must be reformed and implemented to properly reflect the laws of the land and the desires of all citizens;
- iii. there should be adequate provisions and steady supplies of required and appropriate equipment for the military, as well as a better remuneration;
- iv. there is need to identify with and recognize the rights of marginalized groups by fortifying the protections given to minorities and the less-privileged region/people, as well as guaranteeing and upholding the federal character principle in political, economic and social arrangements as the most efficient methods of preventing terrorist attacks;
- v. there is a huge need for the establishment of inter-religious and tribal dialogues between leaders of various religious and tribal groups in the country, so as to demystify misconceptions and build a formidable platform for mutual tolerance;
- vi. since corruption in the land has risen to become systemic and thus, deeply ingrained into the very fabric of the nation's leadership, and this arguably stifled progress and may continue to negatively affect all other measures to bring peace to the nation, if not properly addressed by the government, the need to fight corruption objectively should become a major issue to governments at any level;
- vii. the Nigeria Police Force, Office of the National Security Adviser, the Federal Ministry of Justice, Department of State Services, the Judiciary, Nigerian Bar Association, Civil Society Groups, as well as the Defense Headquarters, and other related parastatals will have to step-up their game, even as the top-leadership provide all required ingredients for the emancipation of the nation from this menace.

Conclusion

Nigeria is a country that had relative peaceful conditions, where citizens could travel to any part of the country without fear of assault but the same nation now lies on the precipice of decimation and crumbling, no thanks to the unassuming activities of dare-devil terrorist groups. To put an end to this constantly depreciating situation of security and welfare of innocent citizens and possibly rebuild the economy, there has to be some systematic and well strategized steps by the government. To do this, the following should be done; investigate the causes of this mayhem; identify reasons for the attacks; uncover the sponsors bankrolling the activities of the terrorists and immediately apply the rule of law to defaulters. There, however, is a possibility of engaging the terrorists in dialogue. The reason for the possibility of dialogue is due to the nature and the objectives of some terrorist groups which could be ultimately noble, like in the case against an oppressive or extremely bad government. There has been confusion in the very attempts by the government of Nigeria to put a lasting stop to this deadly carnage.

To be on the right path in proffering solution to this menace, we have to be sure of a solid and well defined approach with which the Nigerian government intends to achieve result, rather than having double standards and conflicting strategy. Is the Nigerian government towing the path of dialogue, where amnesty is negotiated and arms are dropped by the identified terrorists or does the government intend to fight the terrorists to a halt? It is clear that you cannot be talking about negotiation and be deploying ill-equipped troops to go and waste their precious lives. The dangers in dialogues and negotiations however remain the fact that they may encourage the uprising of volatile and violent terrorist groups. The intentions notwithstanding, any act that leads to the murder of innocent citizens is directly antithetical to the laws of nature according to D'entreves, and therefore should be totally resisted through implementation and proper enforcement of our legislations. Moreso, D'entreves is of the view that since man was not made for the law, but law was rather made to regulate man's actions and behaviour, the minimum requirement for cases of terrorism is for the law to take its full course by simply equalizing these aberrations against the laws of nature. This indeed will give justice to the terrorized and other victims of terrorist assaults, as well as serve as deterrent to future attacks. Terrorism is a supreme evil, and any reaction other than sanctions and

executions may degenerate the world into what Uduigwomen referred to as "a theatre of barbarism and absurdity" (2010: 139). D'entreves' idea of law may not be perfect, but it sure contains the required ingredients for the proper regulation of a society, as it recognizes the supreme contents of the moral law backed by the laws of nature, it is therefore an idea in the right direction to mitigate the challenge of terrorism in Nigeria.

References

- Aquinas, Thomas. "Natural Law" in *Elements of Philosophy*. Stumpf S. E (Ed). New York: McGraw-Hill Books, Pp 184-186, 1987.
- Bockstette, Carsten. *Jihadist Terrorist use of Strategic Communication Management Techniques*. London: George C Marshall Center (European Center for Security Studies), 2008.
- D'entreves, A. P. *Natural Law: An Introduction to Legal Philosophy*. London: Hutchinson University Press, 1972.
- D'entreves, A. P., "The Case for Natural Law Re-Examined" *Natural Law Forum*. Paper 5. 1956.
- D'Entreves, A. P. "Three Conceptions of Natural Law" in Golding Martin (Ed.), *The Nature of Law*. New York: Random House, 1966.
- Etim, Cyril. "Corruption of Power and Power of Corruption: Where is the Rule of Law?" in I. F. Esikot (Ed). *Ethics: Some Critical Essays*. Vol. 1. Uyo: Excel Publishers, 2014.
- Etim, Cyril. "Philosophy, Law and Order in Society". in Etuk Udo, Elijah Okon John and Dennis E. Igwe (Eds). *Philosophy and Society*. Lagos: Omega Books, 2019.
- Hobbes, Thomas. *Leviathan*. New York: Penguin Books, 1968.
- Hoffman, Bruce. *Inside Terrorism*. New York: Columbia University Press, 2013.
- Holmes, Oliver Wendell, "The Path of the Law" in *Harvard Law Review*. Vol. 10, No. 8, 1897, pp. 457-478.
- Hornsby, A. S. *Oxford Advance Learners Dictionary (7th Edition)*. Oxford: Oxford University Press, 2005.
- John, Elijah Okon *Man and the State: Issues in Socio-Political Philosophy (2nd Ed)*. Uyo: Afahaide Publishers, 2009.
- John, Elijah Okon *Man and the State: Issues in Socio-Political Philosophy (3rd Ed)*. Lagos: Omega Books, 2020.
- John, Elijah Okon, "Moral Philosophy and Terrorism" in Uyo Etuk & Dennis Igwe (Eds). *Philosophy and Human Existence*. Lagos: MacGrace Publishers, 2020.
- Omoregbe, J. I. *An Introduction to Philosophical Jurisprudence*. Lagos: Joja Publishers, 2007.
- Osawuru, O. C. "The Crisis of Values as the Foundation of Nigeria's Human Security Challenge" in *Sapientia: Journal of Philosophy*. Vol. 9. June, 2018.
- Saul, Ben "Defining Terrorism to Protect Human Rights" in *Sydney Law School Legal Studies Research Paper*. No. 08-125, 2008.
- The Report of Global Terrorism Index 2014 on Nigeria*. Published on January 06, 2015.
- Uduigwomen, A. F. *Studies in Philosophical Jurisprudence (3rd Ed)*. Calabar: Ultimate Index Publishers, 2010.
- United Nations Declaration on Measures to Eliminate International Terrorism in *United Nations General Assembly Resolution 49/60*, "Measures to Eliminate International Terrorism". December 09, 1994, UN Doc. A/Res/60/49.
- Von Ihering, Rudolph. *Law as a Means to an End*. Chicago: California.