



ETHICAL PATHWAY TO MITIGATING TERRORISM IN KENYA

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Abstract:

Terrorism has become a global concern. Soft targets range from social places like supermarkets, vehicles, stadiums, political and religious gatherings, and leaning institutions at all levels. Military Measures are being used which is yielding little because they attempt to solve a problem that has already occurred. There is need to address the core problem which is lack of moral values in people. It is in response to this that this paper attempts to state how moral values can be used to counter terrorism. Critical method as a method of research in Philosophy was used. Various texts on terrorism and morality were explored from which moral implications on terrorism were made. The findings revealed that human beings are moral agents and solutions to problems facing them including terrorism should be resolved using moral principles. The significance of this paper was to provide moral insight on response to terrorism by governments affected by terrorism. This is based on the assumption that, governments and policy makers also see themselves as victims of violence.

Keywords: terrorism; categorical imperative; terrorism; utilitarianism

1. Introduction

Terrorists often portray themselves as victims of political, economic, social, religious or psychological oppression. By virtue of their courage, their convictions, or their condition, terrorists see themselves as the chosen few, representing a larger population, in the struggle against the perceived oppressors (Badey, 2004). The actions of the oppressor, real or perceived, against the population they claim to represent serve as motivation and moral justification for their use of violence. In the Kenyan scenario,

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cases of disappearance of boys and girls from secondary schools, indiscriminate massacres in supermarkets, buses universities, and illegal detentions have become rampant and have been linked to terrorist activities (Style, 2009). As a response to this, there is a new wave of “counter terrorism” evolving in attempt to resist terrorism which is combatant in nature. For example in Kenya, Anti-Terrorism Unit has been formed in Kenya Police Service and the *Recce Squad*. However, despite all the initiatives, terrorism has increasingly become a common scenario in public places. This perhaps presupposes an existence of a fault in our value system in not only security apparatus but the citizens in developing countries.

It is the objective of this paper therefore to present a critical analysis of value based strategies initiated to deal with terrorism in Kenya with the identified key players being social places and security apparatus. It is understood in this case that the moral values inculcated in the citizens will help in eradicating absolute terrorism.

2. Objective

2.1 General Objective

The general objective of the study was to examine moral pathway to mitigating terrorism in Kenya.

2.2 Specific Objective

The specific objective of the study was to critique moral pathway as an effective way of mitigating terrorism

2.3 Questions

To what extent is moral pathway effective in mitigating terrorism?

3. Statement of the Problem

Terrorism has been a means to carry on a conflict without the adversary realizing the nature of the threat thus mistaking terrorism for criminal activity. Because of these characteristics, terrorism has become increasingly common among those pursuing extreme goals.

Military intervention has not always been successful in stopping or preventing future terrorism, like during the [Malayan Emergency](#), the [Mau Mau uprising](#), and most of the campaigns against the [IRA](#) during the [Irish Civil War](#), the [S-Plan](#), the [Border Campaign \(IRA\)](#) and [the Troubles](#) in Northern Ireland. Although military action can disrupt a terrorist group's operations temporarily, it sometimes doesn't end the threat completely (Pape, 2005).

It is the argument of the author that, terrorism can be significantly reduced by creating awareness of morality in humanity to supplement military intervention. This is because people are moral agents and terrorism involves human beings as key actors.

This paper is an attempt to provide a rationale for using the moral approach in countering terrorism. It is guided by Immanuel Kant's (1724-1804) theory of duty ethics.

4. Theoretical Framework

This study adopted Duty Ethics which was developed by Immanuel Kant (1724-1804) which contains several ethical principles which can be implied to terrorism prevention. He argues that moral absolutes can be discovered by Categorical Imperative and Practical Imperative (Jaques, 2001). The Categorical Imperative asserts that an act is immoral if the rule that would authorize it cannot be made into a rule for all human beings to follow. The Practical Imperative asserts that no human being should be thought of or used merely as a means of someone else's end that each human being is a unique end in himself or herself, morally speaking at least.

For us to mitigate terrorism exhaustively, we need to rationally ask ourselves this question, in whose interest is terrorism activities? Khan (1987) argues that, states are sponsoring terrorism to provide critical support to non-state terrorist groups. Without state sponsors, terrorist groups would have much more difficulty obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations. Most worrisome is that, some of these countries also have the capability to manufacture weapons of mass destruction and other destabilizing technologies that can get into the hands of terrorists Diaz (2008). This paper sought to explain that it is against practical imperative moral law that state should use others a means to reach their end. Furthermore, it would be against categorical imperative for terrorism to be legalized because of its disastrous consequence to some states against others.

5. Methodology

Critical analysis with support of implication as employed in the field of philosophy was purely used in this study. Texts on terrorism and moral values were analyzed, critiqued and implied to terrorism.

A review of definitions and arguments by various texts has been made. These arguments provided a basis of mitigating terrorism using alternative method. This alternative method is suitable for both the armed security apparatus and civilians. It provides opportunity civilians to collectively participate in fighting against terrorism.

5.1 Analysis of Terrorism

Schmidt (1988) defines terrorism as political violence in an asymmetrical conflict that is designed to induce terror and psychic fear through the violent victimization and destruction of noncombatant targets. Such acts are meant to send a message from an illicit clandestine organization. Due to the secretive nature and small size of terrorist organizations, they often offer opponents no clear organization to defend themselves against attack. Leading terrorism researcher, Professor Martin Rudner defines "terrorist acts" as attacks against civilians for political or other ideological goals (Jeremy, 2001).

According to the FBI, terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives (Ruby, 2002). Terrorist attacks are usually carried out in such a way as to maximize the severity and length of the psychological impact.

Terrorism can therefore be operationalized as, an attack to a non-combatant innocent object to get the attention of the target object. Although defining and conceptualizing terrorism is an essential first step in understanding it, it is crucial to note that terrorism involves three basic components: the perpetrator, the victim, and the target of the violence. Regardless of the visible differences on the question of definition of terrorism, what is clear and what we can commonly agree on is that, it insinuates to any deliberate attack on innocent civilians, regardless of one's cause and is unacceptable. Despite volumes of academic literature on the subject, there is still no commonly agreed-upon definition of terrorism.

The underlying sentiment in the definitions is that terrorism involves violence. This criterion alone may not be pragmatic but does however, produce a useful pointer, since it includes many violent acts not usually considered terrorism: war, riot, organized crime, or even a simple assault.

Rodin (2006) elucidates that, each act of terrorism is a "performance" devised to have an impact on many large audiences. Terrorists also attack national symbols to show power and to attempt to shake the foundation of the country or society they are opposed to. This may negatively affect a government while increasing the prestige of the given terrorist organization and/or ideology behind a terrorist act. Very often, the victims of terrorism are targeted not because they are threats, but because they are specific symbols, tools, animals or corrupt beings that tie into a specific view of the world that the terrorists possess (Juernesmeyer, 2000). The paper argues that their suffering accomplishes the terrorists' goals of instilling fear, getting their message out to an audience or otherwise satisfying the demands of their often radical religious and political agendas.

5.2 Controversies in the Definition of Terrorism

The definition of terrorism is complex because of its paradoxical characteristic. Among the various definitions, there are several that do not recognize the possibility of legitimate use of violence by civilians against an invader in an occupied country. Other definitions would label as terrorist groups only the resistance movements that oppose an invader with violent acts that indiscriminately kill or harm civilians and non-combatants, thus making a distinction between lawful and unlawful use of violence. To Khan (1987), the distinction lies ultimately in a political judgment.

About the question of whether particular terrorist acts such as killing of civilians can be justified as the lesser evil in a particular circumstance, philosophers have expressed different views. According to Austin (1985), utilitarian philosophers can [in theory] conceive of cases in which the evil of terrorism is outweighed by the good which could not be achieved in a less morally costly way. In practice the "*harmful effects*

of undermining the convention of non-combatant immunity is thought to outweigh the good that may be achieved by particular acts of terrorism” (Rodin, 2006). Among the non-utilitarian philosophers, Michael Walzer argues that, terrorism can be morally justified in only one specific case, namely, when a nation or community faces the extreme threat of complete destruction and the only way it can preserve itself is by intentionally targeting non-combatants, and then it is morally entitled to do so, (Diaz, 2008). The question remains therefore, can terrorism be justified?

Terrorism has been described variously: as both a tactic and strategy; a crime and a holy duty; a justified reaction to oppression and an inexcusable abomination. A lot depends on whose point of view is being represented. Terrorism has often been an effective tactic for the weaker side in a conflict. As an asymmetric form of conflict, it confers coercive power with many of the advantages of military force at a fraction of the cost.

Terrorism is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one's enemies and opponents, or to those with whom one disagrees and would otherwise prefer to ignore. “What is called terrorism”, Brian Jenkins has written in Kim (2001), thus seems to depend on one's point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label terrorist to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint. Hence, the decision to call someone or label some organization terrorist becomes almost unavoidably subjective, depending largely on whether one sympathizes with, or opposes the concerned person's or group's cause. If one identifies with the victim of the violence, for example, then the act is terrorism. If, however, one identifies with the perpetrator, the violent act is regarded in a more sympathetic, if not positive (or, at the worst, an ambivalent) light; and it is not terrorism.

The pejorative connotations of the word can be summed up in the aphorism, “*One man's terrorist is another man's freedom fighter*”. This is exemplified when a group using unconventional military methods is an ally of state against a mutual enemy, but later falls out with the state and starts to use those methods against its former ally. During World War I, the Malayan Peoples Anti-Japanese Army was allied with the British, but during the Malayan Emergency, members of its successor (the Malayan Races Liberation Army), were branded “terrorists” by the British (Bruce, 2003). More recently, Ronald Reagan and others in the American administration frequently called the Afghan Mujahideen “freedom fighters” during their war against the Soviet Union yet twenty years later, when a new generation of Afghan men was fighting against what they perceived to be a regime installed by foreign powers, their attacks were labeled “terrorism” by George W. Bush (Style, 2009). Groups accused of terrorism understandably prefer terms reflecting legitimate military or ideological action.

Some groups, when involved in a “liberation” struggle, have been called “terrorists” by the Western governments or media. Later, these same persons, as leaders of the liberated nations, are called “states men” by similar organizations. Two examples of this phenomenon are the Nobel Peace Prize laureates Menachem Begin and Nelson Mandela. Julian Assange has been called a “terrorist” by Sarah Palin and Joe Biden.

Sometimes, states which are close allies for reasons of history, culture and politics, can disagree over whether or not members of a certain organization are terrorists. For instance, for many years, some branches of the United States government refused to label members of the Irish Republican Army (IRA) as terrorists while, the IRA was using methods against one of the United States' closest allies (the United Kingdom) which the UK branded as "terrorism". Thus, the famous dictum, "*One man's terrorist is another man's freedom fighter*" is grossly misleading. It assesses the validity of the cause when terrorism is an act. One can have a perfectly beautiful cause and yet if one commits terrorist acts, it is terrorism regardless.

5.3 Types of Terrorism

- Civil disorder – A form of collective violence interfering with the peace, security, and normal functioning of the community.
- Political terrorism – Violent criminal behaviour designed primarily to generate fear in the community, or substantial segment of it, for political purposes.
- Non-political terrorism – Terrorism that is not aimed at political purposes but which exhibits "*conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective.*"
- Quasi-terrorism – The activities incidental to the commission of crimes of violence that are similar in form and method to genuine terrorism but which nevertheless lack its essential ingredient. It is not the main purpose of the quasi-terrorists to induce terror in the immediate victim as in the case of genuine terrorism, but the quasi-terrorist uses the modalities and techniques of the genuine terrorist and produces similar consequences and reaction. For example, a fleeing fellow who takes hostages is a quasi-terrorist, whose methods are similar to those of the genuine terrorist but whose purposes are quite different.
- Limited political terrorism - Limited political terrorism refers to "acts of terrorism which are committed for ideological or political motives but which are not part of a concerted campaign to capture control of the state.
- State terrorism – terrorist acts carried out by governments in pursuit of political objectives, often as part of their foreign policy.
The main features emerging from the types of terrorism are:
 - Violent, or, equally important, threatened violence
 - Designed to have far-reaching psychological repercussions beyond the immediate victim or target.
 - Conducted by an organization with an identifiable chain of command or conspirational cell structure whose members wear no uniform or identifying insignia.

6. Critique of Response to Terrorism

The most common type of response is the:

6.1 Physical Method (Extrinsic Approach)

These methods include military and non-military. They are initiated by the second party.

6.1.1 Preemptive neutralization

Some countries see preemptive attacks as a legitimate strategy. This includes capturing, killing, or disabling suspected terrorists before they can mount an attack. [Israel](#), the [United Kingdom](#), the [United States](#), and [Russia](#) have taken this approach, while Western European states generally do not.

Another major method of preemptive neutralization is [interrogation](#) of known or suspected terrorists to obtain information about specific plots, targets, the identity of other terrorists, whether or not the interrogation subjects himself is guilty of terrorist involvement. Sometimes more extreme methods are used to increase [suggestibility](#), such as [sleep deprivation](#) or drugs. Such methods may lead captives to offer false information in an attempt to stop the treatment, or due to the confusion brought on by it. These methods are not tolerated by European powers. In 1978 the [European Court of Human Rights](#) ruled in the [Ireland v. United Kingdom](#) case that [such methods](#) amounted to a practice of inhuman and degrading treatment, and that such practices were in breach of the [European Convention on Human Rights](#) (Human Rights News, 2004).

The paper finds weaknesses in this method because it can easily be compromised due to integrity pitfalls. The method is also one arm approach employed by the security apparatus only. Terrorism ought to be fought on double arm approach so that not only the security apparatus participate but also the civilians.

6.1.2 Non-military

The [human security](#) paradigm outlines a non-military approach which aims to address the enduring underlying inequalities which fuel terrorist activity. Causal factors need to be delineated and measures implemented which allow equal access to resources and [sustainability](#) for all people. Such activities empower citizens providing 'freedom from fear' and 'freedom from want'.

This can take many forms including the provision of clean drinking water, education, vaccination programs, provision of food and shelter and protection from violence, military or otherwise. Successful human security campaigns have been characterized by the participation of a diverse group of actors including governments, [NGOs](#), and citizens.

Non-military approach could be weak in due to the nature of terrorist organizations. Terrorist organizations are extremely diverse which generalizes even more difficult. When most people think of terrorist groups, an image comes to mind of some well-organized and highly-publicized entity like the Islamic State or al Shabaab. In reality, it's hard to generalize about terrorist groups. On one extreme are individuals who have no recognized links to a terrorist organization — so-called lone wolves. On the other end of the spectrum are highly organized groups that persist over time, have a

well-defined chain of command and a stable leadership. In between are loosely connected small groups as well as shadowy networks – for example, Neo Nazis or radical Islamists. All of these disparate entities are typically in a state of flux. It is not easy to determine the needs of these groups because they keep changing.

6.2 Non Physical Methods (Intrinsic Methods)

These are internalized methods based on moral values that can help deal with terrorism. The paper seeks to justify this approach because it is innate in nature. The guiding theoretical framework is Immanuel Kant's (1724-1804) Duty Ethics. Kant does not discuss terrorism as such but, his arguments have great implications on terrorism. Kant believes that, duty should motivate our actions and all actions should be given moral value (Aune, 1979). He distinguishes two kinds of laws produced by reason namely, hypothetical imperative and categorical imperative. Given some end we wish to achieve, reason can provide a *hypothetical imperative*, or rule of action for achieving that end. A hypothetical imperative might say that, the victims of terrorism should be targeted not because they are threats, but because they are specific symbols, tools or corrupt beings that tie into a specific view of the world that the terrorists possess.

Kant however has shown that the acceptable conception of the moral law cannot be merely hypothetical (Baron, 1995). Our actions cannot be moral on the ground of some conditional purpose or goal. Morality requires an unconditional statement of one's duty. And in fact, reason produces an absolute statement of moral action. The moral imperative is unconditional; that is, its imperative force is not tempered by the conditional "if I want to achieve some end, then do X". It simply states, do X. In this case, it will say do not cause harm to look for solace. For example, the purpose of terrorism is sometimes to exploit the media. This is with the view of seeking to achieve maximum attainable publicity as an amplifying force multiplier in order to influence the targeted audience(s) towards attaining desirable short-run, mid-term or long-run political goals. This is absolutely wrong.

Kant gives three formulations of the Categorical Imperative (Jacques, 2001):

- a) "Act only according to that maxim by which you can at the same time will that it should become a universal law." Some official, governmental definitions of terrorism use the criterion of the illegitimacy or unlawfulness of the act to distinguish between actions authorized by a government (and thus "lawful") and those of other actors, including individuals and small groups. Using this criterion, actions that would otherwise qualify as terrorism would not be considered terrorism if they were government sanctioned. For example, firebombing a city which is designed to affect civilian support for a cause, would not be considered terrorism if it were authorized by a government. This criterion is inherently problematic and cannot be a universal law because whether its sponsorship is traced to a "legitimate" government; "legitimacy" and "lawfulness" are subjective, depending on the perspective of one government or another; and, it diverges from the historically accepted meaning and origin of the term.

- b) *“Act as though the maxim of your action were by your will to become a universal law of nature”*. Terrorism being a political tactic is used by activists when they believe that no other means will affect the kind of change they desire. The change is desired so badly that failure to achieve change is seen as a worse outcome than the deaths of civilians (Rodin, 2006). Disregard to life is unnatural. No one can create it once it is destroyed.
- c) *“Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.”* Terrorism being a violent criminal behaviour designed primarily to generate fear in the community, or substantial segment of it, for political purposes will therefore not be esteemed. People’s lives and property cannot be used for a political mileage.

Kant's moral theory does not look at or address consequences. The theory does not take consequences to be morally significant. It looks only at what should be done regardless of the consequences. Do the right thing even if this causes unhappiness. Consider this example: If someone tries to do something nice for you but messes up and causes trouble, you cannot, in good faith, blame him/her. Assuming that s/he meant well, his good intention must surely count, morally speaking. If the outcome could not have been predicted, for instance, then, the fact that the outcome was not to your benefit should not affect your judgment of his/her action: S/He did mean well after all. It is not good intention at all that counts when it comes to praising and blaming moral agents. If a person in a given group broke the law and was punished justly by the judicial apparatus, the group should not feel that it is being targeted. After all, only the victim faced the rule of law.

Another way of putting the above point is: Kant asks a basic moral-philosophical question, *“Shouldn’t ethics be dealing with what is morally good?”* (Beck, 1960). Of course, it should. Now, what is morally good in the universe? Can you name something that is morally good in the whole universe, no matter where you find it? If we find this morally good thing, then, for starters, we know that a morally good action must have something to do with this morally good thing. The morally good thing should be morally good and nothing but it - it should be morally good without qualifications.

So, what is morally good without qualification? The answer is: a good will - the will or intention to do the right thing only for the sake of doing the right thing. Psychologically, this might be impossible - you might always have ulterior, hidden or subconscious motives that also propel one to want to do the right thing. The paper does not promise that the theory is easily actualizable - after all, a theory can just be a regulative ideal. It can guide you as an ideal that you can only try to approximate and never quite reach or attain.

The philosophical point that is important is that, the only morally good thing without qualification, in the whole universe is a good will: a rationally guided intention that checks itself very strictly asking the question: are you sure you want to do this just for the sake of doing what is right, and not for any other reason - not for profit, and not to benefit anyone. But you can see that the theory has marvelous elegance and beauty: it is very consistent: it is a theory that assesses the morality of good actions by looking

only into the intention of the moral agent. The intention of the moral agent can be good – period! It should be just the intention to do the right thing for the sake of doing the right thing and for no other reason. No attention is paid here to consequences - not even to potentially beneficial consequences for others. Everyone should be doing their duty - and that's that!

Assume that you are asking yourself the question: Should I kill or should I not kill? Whatever the answer is, you know that you are looking for a universal law. In other words, your answer - your maxim, or the moral principle you are trying to give to yourself - should be universalizable - it should be able to withstand universalization without absurdity or contradiction. To be specific, how might this apply to killing: Does killing withstand universalization? - would killing make sense as something you will as a universal law? Think about it: Could you possibly will that killing became a universal law of conduct? This is impossible: if everyone killed, then, your own action would be useless anyway; it is logically impossible that you would will to kill for the sake of making your killing ineffective - and it would become ineffective if it were a universal law, but you know that you are looking for a universal law of conduct. Hence, the moral principle must be: DO NOT KILL.

4. Conclusion

Every one of us is a moral agent. This means that only reason guides our will - that it is a good will without qualifications that is propelling our actions. We should not allow for anything but the reason's guidance - and the test for reason is: do the right thing only for the sake of doing the right thing - because, otherwise, our will would not be good without qualification. For instance, if the reason we did not kill was that we were afraid that we would be caught or to gain a benefit, then our will was not simply morally good - we acted this way because of an exterior motive which could be fear or the expectation of benefit. A fresh, pragmatic approach to the issues surrounding terrorism is needed, focusing not on the politics of the day but on individual morality. Such an effort must start with the development of a commonly accepted and functional approach to morality. Ultimately, some level of compromise is needed if we are to break out of the present quagmire of terrorism in its various shades.

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