

TERRORISM, MORALITY AND RIGHT AUTHORITY¹

One of the requirements of *jus ad bellum* is that those who make war must have 'legitimate authority'. They must have the right to wage war. Having this right is not the same as having a just cause. A legitimate authority can wage an unjust war. If, for example, states generally have legitimate authority (as many writers on just war theory assume), then their wars, just or unjust, do at least satisfy the requirement of being waged by agents with a right to war. On the other hand, if an agent does not have legitimate authority then it cannot fight a just war, no matter what its cause. Its actions are just as illegitimate as the actions of a citizen who takes the law into his own hands in order to avenge what he regards as an injustice.

A. J. Coates argues that the requirement of legitimate authority should play a central role in our understanding of what terrorism is. A definition of terrorism which focuses on conduct – the killing of non-combatants or innocents – makes "an enormous, and almost always unwarranted, moral concession, since the distinction between combatants and non-combatants (or 'guilty' and 'innocent') is one that applies only to a state of war".² For a state of war to exist, he insists, combatants must be able to claim legitimate authority to wage war. If they lack this authority, then the permissions of just war theory do not apply to them.

Coates does not provide a definition of terrorism, but a characterisation that seems compatible with the emphasis he places on having a right to war is as follows.

Terrorism consists of violent attacks on people or property carried out by those who are motivated by political objectives but lack legitimate authority to wage war.

This understanding of terrorism has implications that are contrary to the views of some of those who have entered into discussions about how terrorism should be defined and why it should be condemned.

The first implication is that violent acts of those who have a right to war are never terrorist-though they may be war crimes. The bombing of Dresden, however unjustifiable, was not a terrorist act. So long as states are legitimate authorities they are not terrorist organizations, though their acts may be seriously unjust. The second is that an attack does not have to be directed at the 'innocent' in order to be terrorist. Attacks on police, military officials and installations count as terrorist if they are committed by people who do not have the right to war. If an agent does not have this right then none of its violent acts can be justified as legitimate acts of war. So if a group lacking legitimate authority takes care to attack only property, government officials or military targets, this does not mean that its acts are not terrorism. Indeed, as Coates points out, killing a policeman or public official is generally regarded as a worse criminal offence than killing an ordinary person.³ It also follows that terrorists

are not combatants and cannot claim the rights of combatants: for example, the rights of prisoners of war. The definition thus seems to support the view of state officials who are inclined to regard and treat terrorists as criminals rather than combatants, and who refuse as a matter of principle to negotiate with organizations that they regard as terrorist. To negotiate with a group implies that it has legitimacy, and this is what these governments deny.

Nevertheless, it does not follow that terrorism is always morally wrong. An act can be technically criminal and yet morally justifiable. Laws can be oppressive or discriminatory; governments can be vicious and corrupt. People with no right to war may nevertheless be justified in using violence in self-defence or for the defence of others. Terrorist acts might be regarded as violent and extreme forms of civil disobedience or protest, and the moral debate would then centre on whether and when such responses to injustice can be justified. Most definitions of terrorism have the implication that justified acts of terrorism are logically possible but extremely unlikely. If, for example, terrorism is as Primoratz says, “the deliberate use of violence, or threat of its use, against innocent people with the aim of intimidating them, or other people, into a course of action they otherwise would not take”,⁴ then any moral position that condemns attacks on the innocent will have to condemn terrorism. The definition offered above seems to make it more likely that some terrorist acts could be morally justified as acts of self-defence against unjust government officials or for some equally weighty reason.

A definition of terrorism which makes legitimate authority central is in some respects closer to the popular meaning of the term than are the definitions of many philosophers. Most people assume that terrorist organizations lack legitimacy and that terrorist acts are criminal. On the other hand, it does not support the common idea that terrorism by its nature is unjust. Whether the definition can nevertheless play a useful role in moral judgment depends on why legitimate authority is so important and how we determine what organizations can count as legitimate.

An account which makes legitimate authority central to the understanding of terrorism has to find a way of avoiding the following problems. If we take it that states are the legitimate authorities of international society (as is common in just war literature) then it seems that nothing a state can do will count as terrorist. The definition, so understood, seems to support the questionable idea that only non-state organisations, and never states, engage in terrorist acts. On the other hand, if we insist that an agent has a right to war only if it acts justly (and thus allow that agents of the state can be terrorists) then it seems to follow that an agent engaged in an unjust war has no ‘right to war’ and that all of its violent acts – even those directed against enemy soldiers – are terrorist. This too seems implausible. What is needed is an account of ‘legitimate authority’ that can avoid these problems.

LEGITIMATE AUTHORITY

The requirement of legitimate authority in classical just war theory was meant to ban private or ‘unofficial’ uses of war-like violence. The purpose of this ban was to bring war under control: to make it more likely that decisions to start or continue a war would be made by accountable public officials in control of the means of violence.

The possibility of just war depends on agents having this control. In modern times, the legitimate authorities are generally assumed to be states as organizations which can act as agents in the international world and have (in Weber's words) "a monopoly on the use of force within their territories". But to suppose that all and only states are legitimate authorities would be contrary to basic ideas about justice. It would amount to an unjustified support of a status quo which can be seriously unjust, and it would give legitimate authority to the worst of states.

Most discussions of the right to war insist that 'legitimacy' has a moral, and not merely a political, content. A state's or international institution's right to war, says Coppieters, derives "from its commitment, as part of the international community, to the common good and the rule of law".⁵ To be a legitimate party to a war, Coates insists, it is not enough that a group be organized and in control of acts done in its name. A legitimate authority, he believes, is a good international citizen, one that properly represents its people and acts according to law. "A state's right to war derives not from its *de facto* or 'coercive sovereignty [...]' but from its membership of an international community to the common good of which the state is ordered and to the law of which it is subject."⁶

There are several problems with this understanding of legitimate authority. One is that it presupposes the existence and legitimacy of international law and the values that this law is supposed to uphold. But if the laws and associated values are embodied by practices and agreements which now order the international world, then it seems that some groups of people (particularly non-state groups and impoverished nations) can legitimately claim, not only that this international order is unjust, but that they are not adequately represented by it: that it is a regime whose nature is determined and governed by the powerful. Why should right to war depend on accepting the legitimacy of something that many people regard as unjust? If the law referred to is something ideal—not necessarily what now exists, but something the belongs to a just world order—then it is likely that the people of the world will have many different ideas about what that should be. This disagreement could itself be a motivation for conflict and war.

The second problem is encapsulated in the ambiguous term 'right to war'. Coates claims that states are authoritative in so far as their actions "can be convincingly construed as a defence of the international order and a securing of the common international good", and he compares the state that has recourse to war with a citizen exercising the right of self defence or making a citizen's arrest.⁷ States have legitimate authority, according to him, only if they are acting in defence of law. But this requirement threatens to collapse the distinction between having a just cause and being a legitimate authority. For the implication of his idea is that states and organizations that are deemed to be fighting an unjust war – that is, violating the 'law' – have no legitimate authority, and presumably all their attacks on persons and property, military or non-military, count as criminal, and, would be, according to the above definition, terrorist. Those who have the law on their side would have to be conceived as conducting a police action against a party that is engaged in criminal behaviour. By making obedience to the law a necessary condition of having legitimate authority, Coates seems to have turned just war theory into a 'just policing theory' for international society, with all of the problems and dangers that this entails. However,

this interpretation is not in accordance with the purpose of just war theory, as Coates and others generally understand it.⁸

How can we give 'legitimate authority' a moral content without falling into these difficulties? The solution to this problem, I think, lies in a proper appreciation of just war theory as a moral doctrine for an imperfect world: an appreciation that requires an understanding of the political environment to which it is supposed to apply. The political world to which just war theory is meant to apply is not a Hobbesian state of nature. Moral restrictions on behaviour are possible. The international world is not a lawless state of nature. On the other hand, there is no universal agreement on how the conventions and laws of this world should be interpreted and applied. Agents have different ideas about what should be recognised as law, and no agent has the authority, moral or political, to impose its interpretation on the rest of the world. Moreover, the interests and values of these agents will sometimes tempt them to overstep the limits of law, as this is usually understood, or to make an exception for the sake of what they regard as a greater good. Every agent interprets the law in its own way; and each has a tendency to use it in a way that serves its interests.

Just war theory presupposes that agents (generally) aspire to, and can achieve, peaceful, law abiding relations, but recognises that a state of affairs in which each agent is entitled to interpret the law for itself and in which there is sometimes a good reason for disobeying existing conventions, is not conducive to perpetual peace. War will occur and since interpretations of justice differ and few states act entirely justly, most belligerents will be able to make a case for saying that their cause is just. Even when they are wrong, it is usually not difficult to understand why they, viewing the world from their national standpoint, could persuade themselves of the justice of their cause.

Just war theory has to take into account the fact that the justice of a war is often difficult to establish and that there will usually be no consensus on the matter. But it insists that wars, whether just or not, should be waged with the expectation of making a peace in which former belligerents can establish relations of mutual respect and trust, making the compromises and concessions that are required for the maintenance of such relations, keeping the agreements that arise from this settlement, making reparation for any injustices they have done in war, or at least taking steps to ensure that these injustices will not re-occur. Just war theory tells us how belligerents who respect both each other's entitlement to exist and important human values should behave in war so that respectful relations can be maintained and peace eventually negotiated and maintained. It presupposes the willingness of belligerents to accept this end and the moral restrictions that make its achievement possible.

This understanding of just war theory allows us to make the crucial distinction between being a legitimate authority – that is an agent predisposed to respect other agents and to live in peace with them – and being an agent that acts justly in a particular circumstance. An agent can be a legitimate authority and yet do unjust acts: for example, by engaging in an unjust war or committing unjust acts in war. And it is also possible for an agent to act justly and yet not be a legitimate authority.

CONDITIONS FOR LEGITIMACY

In the context of just war theory, so understood, it is reasonable to insist that a belligerent must satisfy three conditions in order to count as a legitimate authority. First of all, it must be an organization accountable for the violence of its members; it must be able and willing to enforce obedience to the restrictions of just war theory, to negotiate a peace and to keep it. Secondly, it must recognise (even if it does not always live up to) the restrictions of just war theory, the rights of other parties and the framework and institutions which make it possible for agreements to be made and kept and for there to be an enduring (if not 'perpetual') peace. To this extent organizations that count as legitimate authorities have to regard themselves as subject to law, though they may have disagreements about the nature of this law and may not on all occasions be law abiding. These two conditions are clearly related to the function of just war theory in a political environment where war is always possible but peace is achievable. But there is a third condition which also seems important. The leaders of the state or organization should be acting as the agents of its people. "The private appropriation of power by the government of a state undermines its legitimacy", says Coates.⁹ War cannot be waged on the whim of leaders, however powerful their states. This third condition not only enables us to insist that some states are not legitimate authorities. It also allows that non-state organizations can be. If a revolutionary organization fighting against a tyrannical government manages to command the support of most of the people, it has a far better claim to be a legitimate authority than does their state.

We are now in a better position to understand and apply a definition of terrorism which focuses on legitimate authority. A group will count as terrorist if it fails to meet at least one of the three conditions for legitimacy: if it either fails to be an organization accountable for the violence of its members, or it refuses to recognise the restraints of just war theory and international law, or it is not the agent of the people in whose name or for whose sake it claims to act. Let us consider more closely how these criteria should be applied and interpreted in cases of political violence.

The purpose of the first condition is obvious. If violence is uncontrolled, or if it is being controlled in a clandestine way, then making and keeping the peace becomes extremely difficult. The violence will not necessarily come to an end when leaders agree to end it. No authority can or will answer for it. Sometimes the condition will not be met because there is no authority capable of controlling the political violence. The suicide bombings now being committed by Palestinians probably come into this category. It seems doubtful that these acts were ever in the control of Yasser Arafat's government, and Israel will probably not be able to bring them to an end just by negotiating with Arafat. There are a number of groups that claim at various time to be responsible for the bombings, but even if these acts are always in the control of one group or another (which is probably not so), the fact that these organizations act independently means that the violence as a whole is out of any authority's control. Sometimes the condition will fail because control is exercised in way that does not allow responsibility to be admitted or taken. The violent attacks on the East Timorese people and their property after they voted for independence from Indonesia was blamed at the time on lawless bands of militia. Now it is widely believed that these

attacks were orchestrated by the Indonesian military. Either way they count as terrorism. Even if the Indonesian military were entirely in control of what was done, the way it exercised its control was designed to ensure that neither it nor the Indonesian government would have to answer for the violence. CIA sponsored and directed acts of political violence in Central and South America are further examples of failure to take responsibility for control.

The second condition, that the belligerent must be willing to respect other parties, take seriously the restrictions of just war theory, and accept the institutions and agreements that enable enduring peace to be negotiated, does not require that the belligerent's actions be just. Nevertheless, it can be used to label some organizations as terrorist. The al Qaeda network, with its apocalyptic view of a world struggle between Moslems and the West, does not appear to be an organization prepared to negotiate, compromise and make a peace that respects other parties.

States can fail to satisfy this condition. Germany under the Nazis was uncompromising in its struggle for the domination of Europe and the enslavement or destruction of those deemed to be of an inferior race. It was not prepared to accept any peace or abide by any agreement that did not meet its terms or to respect the existence of other nations or peoples. Its lack of legitimate authority was reflected in the way it was treated by the Allies. They did not regard the Nazi government as a body that had a right to negotiate a peace. They not only insisted on removing it. They subjected its leaders to criminal proceedings; they investigated its officials for Nazi sympathies; and, even if not directly guilty of crimes, Nazi officials were supposed to be punished by being removed from their posts and forced to go through a period of de-nazification (though for pragmatic reasons this often did not happen). In other words, the Nazi government was (most think, rightly) regarded as a criminal organization.

However, a state or authority which is lawless in some of its affairs may be law abiding in respect to others. By and large, Germany treated its Allied prisoners of war according to the requirements of the Geneva Convention and German commanders were often at least as scrupulous in satisfying *jus in bello* requirements as Allied generals. This suggests not only that the Allies were right in many cases to behave as if the Germans were respectable belligerents, but that it would be a mistake to label all of Germany's acts of violence as terrorist. We can distinguish between the violence their armies committed against populations and soldiers in the Soviet Union, which showed no respect for the laws of war and were thus clearly terrorist, and acts which demonstrated this respect. In any case, judgments about whether a state is committing acts of terrorism should be kept separate from whether we think its cause is just. A state which unjustly invades the territory of another isn't necessarily committing acts of terror by attacking and killing those who oppose it. Its aims may be limited; it may have no desire to overturn the international order or behave in a lawless way toward all who oppose it. It may even think that its cause is just or at least that its vital interests require the use of force. Nor should a state be accused of terrorism just because it sometimes violates *jus in bello* restrictions. Those who fight an unjust war or violate restrictions on war deserve condemnation. But the term 'terrorist' should be reserved for those whose actions or ideological commitments

show that they are truly outside of the law – at least in respect to some of their policies and actions – and have no intention of recognising reasonable restrictions.

However, if a state only has to respect the law, at least most of the time, in order to count as a legitimate authority then this requirement seems too narrow. The term ‘terrorist’ has come to be used more and more to label gross acts of injustice which some leaders commit against their citizens: mass slaughter, torture, violent attacks on ethnic or tribal groups. A definition of terrorism which focuses on international relations and ignores relations between state officials and citizens seems inadequate. However, this limitation is not a necessary feature of my definition. Human rights are recognised in international law and thus respect for the law includes a respect for human rights. However, even in respect to human rights, there is reason to distinguish the acts of a government that are merely unjust, or are so judged by others, from acts that count as terrorist. There is, after all, a considerable amount of disagreement about human rights: which should be recognised and how they should be interpreted. Moreover, states can be generally respectful of human rights and still believe that they are sometimes justified in violating them. It seems mistaken to call such actions ‘terrorist’ even if we believe them to be unjust. A state that commits acts of terror against part of its population is one that has no respect for their rights and is not willing to put any restrictions on its behaviour. It systematically aims to kill them, subjugate them, terrify them, or drive them away.

A state that subjugates its population is also likely to fail to satisfy the third condition for being a legitimate authority. Its officials would not count as agents of its people. The reason for including this as a requirement is obvious. The al Qaeda claims to be acting on behalf of Moslems, and it is in fact supported by some Moslems, but it does not in any real sense represent them. The Baader Meinhof gang that attacked military installations in Germany and the Red Brigade of Italy did not represent the people on whose behalf they claimed to be acting, and this seems sufficient reason for regarding the violent actions of these groups as terrorist-even in those cases where the violence was directed against military property or officials. To be an agent of a people the organization has to be in some way accountable to them, and the people must be in the position to take some responsibility for the actions it does.

However, explaining what the condition means encounters some obvious difficulties. It would be too permissive if it allowed any leadership that controls the levers of power in a society to count as having legitimate authority. On the other hand, the criterion would be too narrow if it insisted that a state or group is a legitimate authority only if its leaders are democratically elected by those it claims to represent. Non-democratic leaders can have widespread popular support, and even if some people in the country oppose their rule, they may still be regarded by most citizens as being the rightful representatives of the state in international affairs. So it seems best to give the criterion a fairly conservative interpretation. A group is not a legitimate authority if it has no control over those it is supposed to represent or if those over whom it exercises power have no way of influencing its decisions. On the other hand, we can in most cases presume that leaders are legitimate authorities if people who are supposed to be represented by them are generally willing to obey their directives without continual and extreme uses of force.

An organization can be a legitimate authority in respect to some acts or at some periods of time and not at others. Stalin was an unscrupulous dictator and did not, in general, act as an agent of his people. But nevertheless it could be argued that his government became such an agent in the war against German invasion.

An organisation is a legitimate authority if and only if it satisfies all three of the conditions in respect to an act or a series of acts. If it does not, then these acts, if violent, count as terror. One of the complaints that might be made against the definition of terrorism that I have elaborated is that these conditions can be satisfied a lot easier by states than they can be by resistance fighters, revolutionary organizations, or secessionists. Those who rebel against their state often have to organize in secret; they are in no position to demonstrate that they truly represent the people on whose behalf they are fighting. On the other hand, if the uprising is a mass action, then the deeds committed by the revolutionaries will probably not be under the control of any political authority and will not satisfy the first condition. Moreover, revolutionary organizations are more likely to have serious objections to the international status quo and thus likely to be less respectful of the ideas of right that are supposed to govern it.

There are two replies to this objection. One is to point out that it is inevitable that just war theory in its application will have a conservative bias. It favours conditions that enable peace to be made and agents that have already proved that they are capable of satisfying these conditions. So those who operate in its framework will tend to fall back on existing laws, established practices and political frameworks. However, the distinction between acts of war and terrorism does not favour states because they are states. It allows that states can commit terrorist acts against their own population or against outsiders. On the other hand, some revolutionary organizations have been able to demonstrate that they satisfy the condition for being legitimate authorities when they are given a chance to do so. The fact that Bobby Sands, an IRA leader serving a sentence in the Maze Prison, won a by-election as a Northern Ireland representative in the Westminster Parliament, is an indication that many Northern Irish regarded the Sinn Féin, the political wing of the IRA, as representing them. The Front de Libération Nationale in Algeria demonstrated on a number of occasions that it had immense popular support. Its guerrilla actions directed against the French Algerian population can be condemned for violating *jus in bello* requirements, but since there is reason to believe that the FLN was a legitimate authority, these acts do not count as terrorist according to the definition I am defending.

The second reply is to return to a point made earlier. An account of terrorism that focuses on legitimate authority does not imply that terrorist acts are always morally wrong. Terrorism might be justified, for example, as an act of self-defence. Those who believe that violence against the innocent is always wrong will not necessarily have reason to condemn all of the acts, which according to my definition, count as terrorist. For these acts may be directed against non-innocents – for example, politicians responsible for unjust policies. If a definition of terrorism is wanted that can be used to judge that terrorist acts are always immoral, then justifiable exceptions (like violence used in self-defence) can be built in. An act could be said to be terrorist if it is committed by an organization that lacks legitimate authority and cannot be justified as self-defence, etc. But this move strikes me as *ad hoc*.

LAW AND WORLD ORDER

Distinguishing terrorist acts from acts of war highlights a morally important distinction between violent acts of organizations whose members are able and willing to respect each other in a framework that makes peace possible and those whose actions are, for one reason or another, lawless. It has to be admitted that this distinction rests on a view of the political environment that can be contested. It assumes that there is an international order which political actors ought to maintain. But it also assumes that international society is not like domestic society: it has laws but their interpretation, even their validity, is open to question, and there is no cosmopolitan power or government that has the authority to make, interpret, or enforce this law.

These assumptions can be contested in two main ways. They will be rejected, first of all, by those who think that the international order is profoundly unjust and can only be changed by violent revolution. According to my definition of terrorism, revolutionary violence against the framework of law which makes world order possible would be terrorist, and so would the uncoordinated violence of the oppressed. But terrorism is not necessarily wrong. My definition doesn't prevent us from arguing that a campaign of terror directed against the perpetrators of injustice might be justified, at least if the oppressed have exhausted non-violent strategies for obtaining justice. Similarly, if revolutionaries who believe that the present world order is drastically unjust and cannot be changed by peaceful means could establish that revolutionary violence outside the law would have a good chance of making the world much more just, then perhaps they would have a case for terrorism. But making this case would be difficult.

The second reason for opposing assumptions made by just war theory will be held by those who think that recent developments have changed the international world into a society of laws and institutions for enforcing them – something that resembles domestic societies – and that acts of organized violence count as a violation of this law and deserve to be punished as criminal by those who act on behalf of international institutions. According to this view, contemporary wars are really police actions in which the United Nations or the United States and its allies subdue and punish those guilty of breaking the law. This idea of what international society has become amounts to a rejection of the world view that informs just war theory.

However, there is good reason to think that this rejection is, to say the least, premature. International society remains very much unlike domestic societies. There are no reliable institutions in world society for enforcing laws, for trying or punishing law-breakers. The United Nations plays a role in law enforcement in international society, but its attempts at doing so have been sporadic and not always effective. And its decision-making procedures are far from impartial. The United States and its allies have often undertaken the role of law enforcers with or without United Nations approval, but these actions are motivated by their own security needs and not necessary by an impartial respect for law and order. There is no reliable way in which an appeal made by those accused of unlawful behaviour can be heard, and there is no real protection for those who face the prospect of being punished as outlaws by those they have reason to regard as their enemies. The 'punishment' inflicted might well

take the form of revenge and go far beyond anything that they deserve for their unjust acts. As Locke points out, a situation where agents are the judges in their own cause and are likely to be motivated by ill-nature, passion, and revenge in their exaction of punishment will tend to generate confusion, disorder, and perpetual conflict.¹⁰

The policing analogy encourages the idea that law and order must prevail. Defeating an outlaw state is bound to be regarded by those who take on this task as an important, even imperative, objective which can justify extreme measures. Since nothing less than total defeat of an outlaw is acceptable, those who fight against it will regard it as justified to do what is necessary to achieve this aim. The stage is set for protracted and bitter conflicts – wars that will have a tendency to overstep the limitations which just war theory tries to impose on conduct in war. In other words, the ‘policing analogy’ is incompatible with the spirit of just war theory.

These considerations do not stop us from regarding some wars as being like police actions. However, those who believe that they are engaged in such an action should try to avoid trading on a conceptual confusion. If leaders of the United States regard themselves as conducting a police action against al Qaeda, then they should favour trying those suspected of terrorism as criminals according to the laws and requirements of criminal justice. There may be reasons in an emergency to suspend some of the provisions which protect those accused of crimes. What can’t be justified is to claim that terrorists and their supporters are criminals and then to treat suspected terrorists as prisoners of war: to lock them up without recourse to law or to try them in special military courts as suspected perpetrators of an unjust war. This policy illicitly borrows justifications from a discourse that has been explicitly rejected by labelling the acts of the terrorists as crimes. In practice it amounts to a highly questionable violation of the rights of individuals. It affords them neither the civil protections that are supposed to be given to those accused of crimes nor the rights of prisoners of war.

NOTES

¹ This chapter draws on material in ‘Terrorism and the Right to Wage War’ which appeared in C. A. J. Coady and M. O’Keefe (eds.), *Terrorism and Justice* (Melbourne: Melbourne University Press, 2002).

² A. J. Coates, *Ethics of War* (Manchester, New York: Manchester University Press, 1997), p. 124.

³ Coates, *Ethics of War*, p. 123.

⁴ Igor Primoratz, ‘What is Terrorism?’, *Journal of Applied Philosophy*, 7 (1990), p. 129.

⁵ B. Coppeters, ‘Legitimate Authority’, B. Coppeters and N. Fotion (eds.), *Moral Constraints on War: Principles and Causes* (Boulder, New York: Lexington Books, 2002), p. 42.

⁶ Coates, *Ethics of War*, p. 127.

⁷ Coates, *Ethics of War*, p. 127.

⁸ For example, in Coates, *Ethics of War*, Chapter 6.

⁹ Coates, *The Ethics of War*, p. 129.

¹⁰ J. Locke, *Two Treatises of Government*, II, 2, ¶13, is describing the state of nature where everyone is entitled to be a law enforcer.