

## John Locke on Legitimacy

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According to the Eighteenth Century political philosopher, [John Locke](#), “Men living according to reason, without a common superior on Earth, to judge between them, is properly the State of Nature,” ([Two Treatises](#) 2.19). It was through his understanding of the origins of mankind that he was able to unfold the concepts of ‘[legitimacy](#)’ within a government or State, while preventing the conflation of ‘society’ and ‘State;’ A society is the free and voluntary aggregation of people, whereas the State has the monopoly over the coercive use of force in order to obligate others to respect [Natural Law](#).

For [Locke](#), the concept of legitimacy was of extreme importance because it was ultimately what determines right or wrong actions committed by groups of people, individuals in power, and/or the State. He began by pointing to the State of Nature in which The State of Nature is a depiction of the historical (*actual*) natural normative state in which rights and responsibilities are rationally observed and that universally exist between people who have not voluntarily casted them aside to an ultimate sovereign power, i.e. State. Locke held that humans naturally have inalienable rights of personal sovereignty, in so that they do not infringe on the rights of others, also known as ‘negative Liberty.’ Due to these natural rights, the means in which a State begins is of extreme importance as to determine whether that State has any legitimate claims to ‘its’ authority, hence the emphasis on a ‘*historical social contract theory*’ as opposed to a ‘*theoretical social contract theory*,’ e.g. [Hobbes](#) and [Rousseau](#). Locke’s social contract theory was *negative*, meaning it was simply to not harm or *positively* obligate others to do things.

**“The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions...” (Second Treatise §6). In this Locke describes people, in the State of Nature, to all be equal before one another as it pertains to their relations with others. This is later reflected in the initiation of Justice, in which everyone is to be equal before the law in order to maintain harmony of persons within the perpetual State of Nature which never actually disappears. This may sound odd to many, but Locke’s concept of Natural Law is that it is universal, meaning everyone, everywhere, and always, have these inalienable rights. If someone infringes upon them, we are to then turn to a third-party, unbiased person(s), to seek retribution or a balancing of the proverbial scales in order to rectify the given situation.**

Once people have explicitly agreed to a sovereign power, for Locke they have surely legitimized that government authority, as long as it was voluntary and free from coercion and that government equally respected their side of the *contract* in maintaining [Natural Law](#) ([Two Treatises](#) 2.122). He also delves into tacit consent in where he claims even the

simple usage of the services of a sovereign power, as long as it is voluntary and free from coercion, also legitimizes the sovereign powers. However, the sovereign must also adhere to the universality of Natural Law, because for a government to go against this is to throw the entire society back into the State of Nature where Natural Law is the ultimate source of legitimacy (natural law theory), as opposed to the State being the determiner of ultimate legitimacy ([positive law theory](#)).