INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT AND
CIVILIZATION-(ISTAC)

POLITICAL LEGITIMACY: A COMPARATIVE STUDY WITH
SPECIAL REFERENCE TO THE LEGITIMACY
CRISIS DURING THE UMAYYADS

A THESIS SUBMITTED TO
INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT AND
CIVILIZATION (ISTAC)
IN PARTIAL FULFILLMENT FOR THE M. A. DEGREE

BY

GAMAL ALI MOHAMMED GASIM

KUALA LUMPUR, MALAYSIA
NOVEMBER 1999/1420

Gamal

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master (M.A.) in **Islamic Civilization**

Prof.Dr.Ahmad Kazemi Moussavi
Supervisor

This thesis was submitted to ISTAC and is accepted as partial fulfilment of the requirements for the degree of Master (M.A.) in **Islamic Civilization.**

Prof.Dr.Wan Mohd.Nor Wan Daud
Deputy Director
and Students Academic Advisor

This thesis was submitted to ISTAC and is accepted as partial fulfilment of the requirements for the degree of Master (M.A.) in **Islamic Civilization.**

Prof.Dr.Syed Muhammad Naquib al-Attas
Founder-Director

POLITICAL LEGITIMACY: A COMPARATIVE STUDY WITH SPECIAL REFERENCE TO THE LEGITIMACY CRISIS DURING THE UMAYYADS.

A THESIS SUBMITTED TO
THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT AND
CIVILIZATION (ISTAC)
IN PARTIAL FULFILLMENT FOR THE M. A. DEGREE

BY
GAMAL ALI MOHAMMED GASIM

KUALA LUMPUR, MALAYSIA
NOVEMBER 1999/1420

Acknowledgements

i

I would also like to extent my thanks to my friends: Dr. Muḥammad al-Mahdi at IIUM, 'Abd Allah 'Abd al-Baqi, Mohd Adnan at CELPAT IIUM and Ahamed Abd al-Baqi, Raja Hafizah Raja Dahlan and to the many whose names do not appear here.

My special and sincere thanks go also to my brothers Yahya, Adli and Aiman Ali and to my uncles Taha and Mutwakkil Muhammad Gasim for their invaluable support and encouragement.

Last but not least, I would like to express my acknowledgment and thanks for ISTAC's financial assistance that facilitated the realization of this thesis.

Dedication

*Among the Believers are men who have been true to their
covenant with Allah: of them some have died and some
(still) wait but they have never changed (their
determination) in the least.*

(*Qur'ān.* 33: 23)

*"Think not of those who are slain in Allah's way as dead.
Nay, they live, finding their sustenance from their Lord."*

(*Qur'ān.* 3: 169)

To: Nizār Muḥammad Ibrahim Jarbū'

Abstract

This study is designed to focus on the concepts political legitimacy with special reference to the legitimacy crisis during the Umayyad government.

The introduction defines the nature of the problem and its context. In addition, it shows the scientific methods which are applied in the study.

Chapter one focuses mainly on the Western conception of political legitimacy. It consists of three sections. The First section exposes John Locke's normation views on the concepts. The Second section explores Weber's definition of the concepts and his ideal types. The ideal types are: Traditional, rational and charismatic authority. The Third section tackles David Beetham's attempt to establish a narration concept of political legitimacy within a sociological context.

Chapter two examines mainly political legitimacy from a Muslim perspective. This first section deals with the Shī'ah's views of the legitimate form of *Imāmah*. The Second section exposes al-Māwardī's theory is basically sources, Qur'ān and Sunnah, besides the earlier experiences of the rightly guided *khulafā'*. The Third section explores Ibn Taymiyah's views on the concepts. More particularly, his stress on the significance of 'adl (justice) and *adā' al-Āmānat* (equality) on the major components of the concept.

Chapter three addresses the problem of legitimation during the government of the Umayyads. It basically examines the legitimacy crisis during the reign of Mu'āwiyah and his son, Yazīd. For instance, it examines the legitimate grounds of the change of the rightly guided political system into a mere kingship system.

The conclusion sums up the whole discussion besides shedding some lights on a number of important remarks.

Table of Contents

Chapter Three:

Legitimacy crisis During the Umayyad Period.

GENERAL INTRODUCTION

The assassination of the fourth rightly guided *Khalīfah*, 'Alī ibn abī Ṭālib, marked the end of the rightly guided political system which was henceforth known as *al-Khilāfah al-Rāshidah*. Consequently, the establishment of the Umayyad dynasty appeared to represent one of the most important historical events in Muslim history. In fact, since the demise of *al-Khilāfah al-Rāshidah*, it has been very hard to find Muslims fully satisfied with any of the governments by which they had been ruled throughout their history. It is clear that the Muslim communities, in general, and scholars, in particular, have shown their position clearly towards the changing of *al-Khilāfah al-Rāshidah* into a mere Kingship system. Indeed, it should be noted here that responses differ from one scholar to another. However, this study will examine the historically well-known stands and revolutions that challenged and questioned the legitimacy of the Umayyad rulers.

In addition, the emergence and development of almost all earlier Muslim political trends, Islamic sects and schools of Muslim thought, resulted from the above mentioned crisis. Moreover, it has been argued that Muslims have ever never shed more blood over an issue than that which they have shed over the issue of *Imāmah*. As a matter of fact, the first Muslim civil wars took place mainly in the course of either strengthening the political legitimacy of a particular regime, or bringing about a political legitimacy to an illegitimate political system. In other words, the question of "political legitimacy" was always the fuel that drove the engine of Muslim political reforms. In fact, from the time of these civil wars onwards, the Muslim Community has

1

witnessed an ongoing political and theological disintegration that divided Muslims into two major sects; shi'ah and sunnis.

For these reasons, I have designed this study to be comparative and a historical analysis in nature. Comparative in the sense that it shows the general grounds on which a number of theories have emerged out and developed. However, this does not mean that I will compare the detailed information pertaining to the issue under study. What I mean by comparative is that this study is going to expose and examine the major trends that construct what one might call Western or Muslim political legitimacy. By doing so, one might conclude whether there is a similarity between the two concepts or not. In addition, I am not required at this point to state the significance of the comparative study as a scientific method that proved to be of a great importance, more particularly, in the domain of the social sciences. Further, in the course of the application of such a method, we shall come to understand the peculiarity of Muslims' views on political legitimacy with respect to that of Western thought.

Given the above and as stated earlier, this study will also be in the form of a historical analysis. A historical analysis in the sense that it is going to tackle the period of the Umayyads as indicative of the Muslim legitimacy crisis and more particularly, with regard to the governments of Mu'āwiyah and Yazīd ibn Mu'āwiyah . The importance of this era in Muslim history relies on the fact that it was the beginning of a remarkable turning point that took place from within the Muslim polity.

It is, moreover, clear that "legitimacy" is a sub-subject that falls within the scope of political philosophy, sociology and constitutional law. Had the study been with special reference to the Umayyads, it would have been clear that Muslim history should

2

have a significant and remarkable consideration providing the substance of the subject under study. However, my primary concern is to show the nature of the Umayyad legitimacy crisis, and consequently the legitimate grounds, if any, of the revolts that erupted against the rule of the former.

Furthermore, I have divided this study into three chapters besides an introduction and conclusion. In the first chapter, I have examined the major trends of political legitimacy from the western perspective. More specifically, I have exposed the views of John Locke, Max Weber and David Beetham respectively. In addition, this classification is intended to be thematic in nature. In other words, each of the above mentioned represents a different trend that has its own emphasis regarding the concept. Locke's thesis on "political legitimacy" represents the stand of moral and political philosophy. It should be noted here that such a stand was so strong at a time when the church and the biblical values retained their influence in modern European thought. Max Weber, on the other hand, appeared at a different historical stage from Locke. In his life time, the church was no longer dominant and influential. Indeed, this happened mainly due to the noticeable impact of secularism in the political life of modern Europe. The biblical moral value of "giving to Caesar what belongs to him and what belongs to God must be given to God"[1] was of great importance and provided, whether it was authentic

---

[1] As a matter of fact, al-Tijāni 'Abd al-Qādir, a contemporary Muslim thinker, maintained in his study "Al-Fikr Al-Islāmi Wa'l-'almāniyyah, (published by al-Markaz al-Qawmī lil-Intāj al-'Ilāmī, 1995-Khartoum), that the trend of secularism is wrongly interpreted to be rooted in the contemporary holy Bible. It is more particularly with respect to "give to Caesar what belongs to him. But every thing that belongs to God must be given to God : Matthew 22:21) To al-Tijāni, such a verse does not signify at all the establishment of secularism as a way of political life. In his view , it might suggest that the believer ought to remain patient under the impious government. In other words, it allows the believer to deal peacefully, as far as possible, with the unjust political system; at that time it was the Roman Empire. However, to my mind, such a biblical value (providing that it is proved to be authentic) seems to suggest that Jesus (Pbuh) drew the attention of his believers to have their own polity. In other words, since the Christians were living at that time under the government of the Romans, then they had to accept such a

3

or not, the legitimate religious grounds for the emergence and development of secularism. It is, therefore, not surprising to find 'sociology', as a discipline of knowledge, emerging to deal mainly with a number of social phenomena from a purely secular perspective. For this reason, Weber thinks that his ideal types of authority, which I shall discuss in this chapter, represent universal and neutral methodology that are neither restricted by religious dogmas nor motivated by a particular ideology. I elucidate in this chapter Weber's rational, traditional and charismatic authority.

Then, I proceed by examining the views of David Bentham, a scholar who thought that Weber's conception of "political legitimacy" rendered the concept devoid of any moral or ethical value. For this reason, he endeavoured to establish a concept that bridges the gap between moral philosophy, on the one hand, and the social sciences, on the other. He emphatically attempts to formulate a concept that possesses a moral basis as much as being studied within a sociological context.

Given the above, I proceed in chapter two by outlining the major trends which attempt to conceptualize the Muslim political legitimacy. I begin this chapter by examining the major elements of *Ithnā 'ashariyyah's* views on political legitimacy. More specifically, I have tackled al-Murtaḍā's theory of *Imāmah*. It goes without saying that the concept of *Imāmah* had been intellectually well-defined and highly elaborated during the lifetime of al-Murtaḍā. In connection with al-Murtaḍā's views, I discuss al-Khumaynī's contribution of *Wilāyat al-Faqih* (the legitimate succession to

---

fact by giving to Caesar what belongs to him. However, until they would fulfil all the obligations that were imposed upon them by God; by giving to God what belongs to Him, then they could cease paying taxes to Caesar. Such obligations, include among other things, to establish their own political society so that Caesar will no longer have any share in their wealth. That everything belongs to God must be given to God.

4

the Imām.) By introducing such a concept, Imām al-Khumaynī successfully injected the *'aqīdah* (doctrine) of *Ithnā'ashariyyah* with a very dynamic element that directs the engine of reforms in this Islamic sect. In the course of his introduction of such a concept, the Islamic revolution in Iran - 1979, was fully conferred with the rightness to rule. Then, I proceed by dealing with the major Sunni theory of political legitimacy. I present first al-Māwardī's theory of government. This theory is regarded by some scholars as the first fully developed Sunni political theory. Despite its peculiarity as being proposed in particular political and social circumstances, al-Māwardī's theory aims to help to formulate a general framework, which provides the grounds to decide what is a legitimate or illegitimate government. I tackle also Ibn Taymiyyah's political thought relating to the issue under study. As a matter of fact, the critical situation during the lifetime of Ibn Taymiyyah influenced, to a large extent, the latter to stress justice and equality as the major elements of Muslim political legitimacy. This justifies clearly why I put Ibn Taymiyyah's thought under the heading, "Ibn Taymiyyah's endeavour to legitimize mulk." Finally, I examine in this chapter the question of the legitimacy of revolts, mainly from the Sunni perspective. It is, evidently, clear that the Shi'ah conception of political resistance is revolutionized radically by Imām al-Khumaynī's contribution of *wilāyat al-Faqīh*. In other words, before al-Khumaynī's introduction of such a concept, *Ithnā 'ashariyyah* used to practice *taqiyyah* as one of the major principles in their *'aqīdah* of *Imāmah*. It is only in the aftermath of al-Khumaynī's revolution that *Ithnā 'ashariyyah* began to change from political quietism into political activism. However, in the Sunni theory of political resistance " legitimate revolution- *Khurūj*", the fear of *fitnah* (civil war) played a vital role in making most of

Sunni scholars reluctant to give the green light for revolution against an impious Imām. Such a phenomenon, as we shall see later in this chapter, has been described by some scholars as the dilemma of Sunni political theory.

In chapter three, I proceed by expounding the major legitimacy crisis that faced the government of the Umayyads. More specifically, I examine the legitimate grounds of the revolts of Ḥujr ibn 'Adī, the *ahl al-Madīnah, al-Khawārij,* al-Ḥusayn ibn 'Alī and 'Abd Allah ibn al-Zubayr. Finally, I sum up the whole given discussion in a brief conclusion and make general remarks pertaining to the subject under study.

Chapter One

The Major Trends in Western Thought on Political Legitimacy

Introduction

Legitimus is an ancient Latin word, whereas it is argued that *legitimitas* appears in the medieval texts, although, it was not widely used. The Roman form had the meaning of lawful, in accordance with law.[1] It is a well established fact that the term "legitimacy", as well as many western political terms, passed through different historical stages. For instance, in the medieval era the term suggests what is in conformity with ancient customs and traditions. Then, with the appearance of Christianity as an official religion of almost all European countries and with its remarkable influence, a philosopher like Augustine (Saint-of Canterbury, d.605) did not hesitate to declare that it was not possible for any political power, outside the City of God, to be legitimate.[2] Further, in contemporary political thought, it is stated that all modern political theory begins with the hypothesis that :

> Legitimacy has to do with the quality of authoritativeness, lawfulness, bindingness, or rightness attached to an order; a government or state is considered legitimate if it possesses the "right to rule".[3]

However, such a definition poses very controversial questions, for example, what do we mean by right? And how can its meaning be specified? In brief, to answer these

[1] Dolf Sternberger, *International Encyclopaedia of the Social Science*, vol. 9, ed. David L. Sills. (New York: The MacMillan Company and Free Press, London : Collier. MacMillan Publishers, 1972), 245.
[2] Ibid., 245-6.
[3] Jaap van Ginneken, *The Social Science Encyclopaedia*, ed. Adam Kuper and Jessica Kupper. (London, Boston and Henly: Routledge and Kegan Paul, 1985,) 453.

questions, there are two ways in which attempts are made. One school is that of the sociologists. In this school, the Germany sociologist Max Weber (d.1926) is classified as the leading figure. He attempts to categorize and compare a huge number of sociological phenomena that pertain to the issue under discussion. In addition, with him it has been argued that the term is, for the first time, employed in a universal manner. This school is characterized, moreover, by holding non-value judgements in as much as its stand is purely sociological and has nothing to do with moral and political philosophy.[4] On the other hand, the second school insists on the moral values of the concept as it sees legitimacy as a normative concept that should convey value-judgements.[5] However, there is another trend that attempts to design the concept in a way that can combine the two mentioned schools. In other words, this trend aims at having political legitimacy as a moral concept but within a sociological context. In this chapter, I expose the definitions and arguments of all these schools. To do so, I start with John Locke as representing the stand of moral and political philosophy. Then, I focus on Weber's sociological definition and its consequences. Finally, I present David Beetham as a plausible example belonging to the third trend.

John Locke's "Tacit Consent":

Locke's thesis on political legitimacy occupied an important place in his theory of "social contract" which is basically intended to answer *why* and *how* political society emerged? This appears clearly in the course of the arguments in his celebrated book

---

[4] Ibid., 453.

[5] Rodney S. Barker, *Political Legitimacy and the State* (Oxford : Clarendon Press, 1990), 34-5. Henceforth cited as Barker, *Political Legitimacy and the State*.

"Second Treatise of Government." John Locke was perfectly conscious, as Andrew Heywood argued, that political society had not in practice resulted from or developed out of social contract. However, Locke thinks that citizens ought to behave as if it had.[6]

Moreover, as far as the issue of legitimacy is concerned, Locke rooted his political philosophy so deeply in the moral relationship between man and his Creator.[7] It is noteworthy that Locke vehemently rejected Filmer's explanation of the bible regarding the origin of political power. However, he did not at all base his political philosophy on any religious foundation.[8] Further, it is clear that the point of departure of Locke's political authority is his theory of the "state of nature" and consequently his uneasy amalgam of the arguments pertaining to the issue of human nature, human natural rights and the nature of social contract. Though it is not my concern to discuss at length either Locke's state of nature or how political society came into existence, I would like to state here, as it might be useful and relevant, the main reasons that led to the establishment of political society. Locke stated that in the state of nature the following wants were existing. First, the want of an *established, known law,* which is allowed by common consent to be the measurement of right and wrong. Secondly, the want of a *known* and *indifferent judge* with authority to specify all differences according to the established law. Thirdly, in the state of nature there is often a need for *power* to assist and support the sentence when right, and to give it due execution.[9]

---

[6] Andrew Heywood, *Political Ideas and Concepts: An Introduction* (London: The MacMillan Press Ltd., 1994). 98.

[7] Iain Hampsher-Monk, *A History of Modern Political Thought: Major Political Thinkers from Hobbes to Marx.* (Oxford and Cambridge : Blackwell, 1995). 81. Henceforth cited as Hampsher-Monk, *A History of Modern Political Thought.*

[8] Ibid., 81.

[9] John Locke, *Second Treatise of Government,* edited with introduction by C.B. Macpherson (Indianapolis and Cambridge : Hackett Publishing Company, Inc., 1980), 66. Henceforth cited as Locke, *Second Treatise of Government.*

9

Needless to state here the vital role of property, as exposed by Locke, in the establishment of political society. It has been argued, however, that the obscurities that appear in Locke's theory of consent is a part of the ambiguity in his theory of property and jurisdiction.[10]

Moreover, it is a well known fact that usually thinkers and moral and political philosophers begin their political theory by focusing on the nature of human psychology. It will be, therefore, quite useful to throw light on Locke's view of human nature. In his *"Second Treatise of Government"*, Locke states that :

> Men being, as has been said, by nature all free, equal and independent, no one can be put out of this state, and subjected to political power of another, without his own consent... For when any number of men, by the consent of every individual made a *community*, they have then by made that *community* one body, with a power to act as one body, which is only by the will and determination of the majority.[11]

It is very obvious from the above passage that human nature is good and free and only because of preservation of property, the need of political society came out. It is, furthermore, clear that only through consent can one give up one's natural authority to a legitimate political power. For this reason, consent whether tacit or express, is said to be the basic theme of Locke's "political legitimacy." Locke puts it more plainly as follows:

> Every man being, as has been shewed, naturally free, and nothing being able to put him into subjection to any earthy power, but only his consent; it is not to be considered, what shall be understood to be sufficient declaration of a man's consent, to make him subject to the laws of any government. There is a common distinction of an express and a tacit consent, which will concern our present case. Nobody doubts but an express consent, of any man entering into any society,

---

[10] Julian H. Franklin, "Allegiance and Jurisdiction in Locke's doctrine of Tacit Consent". *Political Theory*, vol. 24, no. 3 (August 1996) : 407.
[11] Locke, *Second Treatise of Government*, 52.

> makes him a perfect member of that society, a subject of that
> government. The difficulty is, what ought to be looked upon
> as tacit consent, and how far it binds, i.e how far any one shall
> be looked on to have consented, and thereby submitted to any
> government, when he has made no expressions of it at all.
> And to this I say, that every man, that hath any possessions, or
> enjoyment, or any part of the dominions of any government,
> doth thereby give his tacit consent, and is as far forth obliged
> to obedience to the laws of that government, during such
> enjoyment, as any one under it; where this his possession be of
> land, to him and his heirs forever, or a lodging only for a
> week; or whether it be barely travelling freely on the high
> way; and in effect, it reaches as far as the very being of any
> one within the territories of that government.[12]

As stated in the above quotation, it appears that what distinguishes express from tacit consent is the unequivocal commitment to obey a legitimate government within a given Political Society. On the other hand, what distinguishes express from tacit consent in essence is the plausibility and self-awareness of the occasion on which it is incurred.[13]

In short, express consent is a necessary condition for the establishment of political society. Tacit consent, on the other hand, is made when one is enjoying one's possession of property within a given political society, and therefore, is burdened with political obligations. Political Societies, Locke thinks, derive their moral status as tools to serve men's struggle so as to work out the religious duties which are entrusted to them by God. In other words, the essence of political obligations is ultimately dependent upon the structure of individual religious obligations.[14]

---

[12] Ibid., 63-4

[13] John Dunn, *The Political Thought of John Locke: An Historical Account of the Argument of the "Two Treatises of Government."* (Cambridge and New York: Cambridge University Press, 1988), 143. Henceforth cited as Dunn, *The Political Thought of John Locke.*

[14] Ibid., 125

Coming back to Locke's express and tacit consent, it is noteworthy that once one gives one's express consent, one cannot revoke it again. Whereas in the case of tacit consent it is obtained only when someone enjoys the use of his property in a given political society without gaining its full membership. The plausible example is that of a foreigner who lives in a political society without expressly consenting to its political authority. Locke states that:

> And thus we see, that foreigners, by living all their lives under another government, and enjoying the privileges and protection of it, though they are bound, even in conscience, to submit to its administration, as far forth as any derision yet do-not there by come to be subjects or members of that commonwealth. Nothing can make any man so, but his actually entering into it by positive engagement, and express promise and compact.[15]

At this point, C. L. Ten considers Locke's tacit consent to be unclear on the political obligations of non-members of a given political society.[16] Locke's theory of consent, argued John Dunn, has been criticized for failing to provide an adequate criterion for judging the psychological relationship between rulers and ruled. To John Dunn, such critics are actually asking of the theory something that it is not at all about. However, it is clear that the theory does not say so much about how government should be organized in order to gain the consent of the ruled. John Dunn puts it clearly as follows:

> It is a theory of how individuals become subject to political obligations and how legitimate political societies can arise. It is not in any sense whatsoever a theory of how government should be organized.[17]

---

[15] Locke, *Second Treatise of Government*, 65.

[16] C.L. Ten, "Locke in Political Authority, Property and Toleration" in *Political Thinkers*, ed. David Muschamp. (London : MacMillan Education Ltd., 1986), 96-7. Henceforth cited as Ten, *Locke in Political Authority*.

[17] John Dunn, "Consent in political theory of John Locke" in *John Locke's Critical Assessments*, vol. 3, ed. Richard Aschraft (London and New York: Routledge, 1991), 525.

In addition, one of the objections that is directed against Locke's tacit consent is that it might suggest that one can be unaware of given one's tacit consent simply because one is living within the territory of that government. However, to D. A. Lloyd Thomas, such an objection has a limited impact on Locke's project of constructing a moral basis for both political legitimacy and political obligations.[18] These political obligations have been argued as an output of hypothetical agreement of individuals to acquire the membership of a given political society.[19] This does not, however, suggest that those members of an inadequately legitimate regime have no political obligations. Indeed, they do have, but theirs are not genuinely political obligations. At this juncture, John Dunn presents the defining criterion of political obligations as follows:

> For the defining characteristic of political obligations is that they reside in acknowledged formal structures of reciprocal rights and duties.[20]

In addition, Locke's legitimate power, Iain Hampsher - Monk argued, is power plus right.[21]

Hampsher - Monk states that :

> The powers surrendered by the citizens are limited by the constraints on their own original rights. Because the individual's rights are limited (by his duties of self-preservation etc. owed to God), so must be the powers of government if it is to remain legitimate. A related, but not identical, limiting factor is the intentions of contractors. It must, thinks Locke, be illegal for a government to use its

---

[18] D.A. Lloyd Thomas, *Locke on Government*. (London and New York : Routledge, 1995), 39.
[19] Dunn, *The Political Thought of John Locke*, 129.
[20] Ibid., 130.
[21] Hampsher-Monk, *A History of Modern Political Thought*, 103.

13

powers in a way contrary to the intentions of those who gave it the powers.[22]

Accordingly, a government to be legitimate, must possess these two general features: the law of nature and the intentions of the people who founded it. These two criteria mean: first, since the rights of action that an individual is endowed with, in the state of nature, are not arbitrary, likewise, in order to be legitimate, the government must also not be arbitrary. Locke states clearly that no matter what sort of form the legislative body takes, it cannot be absolutely arbitrary over the lives and properties of the people. This because the legislative body :

> For it being but the joint power of every member of the society given up to that person, or assembly, which is the legislators; it can be no more than those persons had in the state of nature before they entered into society, and gave up to the community: for nobody can transfer to another more power than he has in himself; and nobody has an absolute arbitrary power over himself, or over any other, to destroy his own life, or take away the life or property of another.[23]

Secondly, the government will be illegitimate if it attempts to intervene, for example, through taxation, in the properties of its subjects without their consent. For the preservation of their properties is a natural right and it is the main cause, if one might say, that led them to enter into a political society.

Thirdly, because of the twin roles played by consent and the law of nature, for a government in order to be legitimate, it must possess the following.

(a) It must work within a sphere of known laws to which all are subject, whether it is a ruler or a ruled.

---

[22] Ibid., 103.
[23] Locke, *Second Treatise of Government*, 70.

14