

POLITICAL SCIENCES

THE PROBLEM OF LEGITIMACY

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Introduction

Although legitimacy is one of the most debated topics in the literature on social sciences, it is difficult to talk about its effects on the political system. The problem of legitimacy of constitutions is not a topic of discussion as much as the concept of legitimacy in general, however it is one of the topics that has been discussed recently.

The concept of legitimacy is often dealt with, especially when discussing the future of new constitutions adopted after the collapse of communist regimes in Europe and the post-Soviet space. The importance of this concept is discussed in post-communist political and legal laboratories. The problem of legitimacy of constitutions is important not only for newly adopted constitutions, but also for the constitutions adopted before. Today, due to the fact that previously adopted constitutions do not fully express the concept of legitimacy, attention is again focused on the concept of legitimacy and the problem of the legitimacy of constitutions.

The concept of legitimacy in general, and the problem of legitimacy of constitutions in particular are dealt with in this article. In the first section of the article, the concepts of power and authority, which are closely related to the concept of legitimacy, will be studied. The relationship between power, authority and legitimacy will also be considered. The second section explores the usefulness of the concept of legitimacy and explain the problem of the legitimacy of constitutions by establishing a tripartite model within this concept.

This article can be understood as the first stage of a detailed study aimed at explaining the concept of legitimacy in a hypothetical-didactic way. (1) As it is known, you can get scientific information by going through three stages with the hypothetical-didactic method: the advancement of a general hypothesis, the formation of a certain thought on the basis of this hypothesis, the verification of this formation or formations in a theoretical or practical way. The hypotheses and formations developed in this article will help to put the concept of legitimacy into an analytical framework through concrete events.

POWER AND AUTHORITY, POWER-AUTHORITY-LEGITIMACY RELATIONS

Before explaining the meaning of the concept of legitimacy, it is appropriate to dwell on two concepts closely related to this concept: the concepts of power and authority. The word "Power" broadly means "to force people do something they wouldn't do". Those who in power or their supporters have the ability to improve their will even when faced with opposition. In

short, the concept of 'power' contains the ability of any person or group to control others. In this sense, power exists in various social and political relations. For example, in a patriarchal family, the father has such a dominant feature over other family members. It is also to speak about the existence of such an institution in organizations such as public associations, trade unions or political parties. However, the government differs significantly from other institutions by concentrating in itself the monopoly on the use of force. In other words, neither the head of a social union, nor the chairman of a trade union, nor the leader of a political party are legitimately authorized to use force to enforce their decisions. In fact, the only institution with a monopoly on the use of force is a state. The state can force citizens who do not comply with the law to act according to the law under certain conditions and within certain rules.

While political power includes the monopoly of violence, this does not mean that political power rests only on force. Historical events have shown to us that no political power can exist continuously with the actual use of force or the threat of the use of force. Modes with "silent" power can apply their decisions and commands as long as they use force, but it is inevitable that they will eventually lead to instability. For this reason, they are forced to put their power on legitimate bases, in other words, they are forced to turn their power into a legitimate power. As it is clear from this last statement, the concept of power, which is the second concept that we will consider, actually refers to a special form of power, that is, "legitimate power". Those in power are able to enforce their decisions and orders without facing opposition or violence. But in this case, those who obey the decisions and rules recognize the right of the authorities to govern, that is, the governors obey the rulers of their own free will. In this case, power can be expressed in the most general sense as the right to govern. Although the authority is supported by force, it is fundamentally based on the voluntary obedience of the governed. In this case, legitimacy acts as a basic element expressing the subordination of the governed people to the rulers, and the legitimate power is called authority. This short introduction provides us with a very important concept related to the topic - the concepts of power, authority and legitimacy and the relationship between these concepts. However, this is not enough to fully clarify the meaning of the concept of legitimacy. A number of practical and theoretical problems make it difficult to present a unified concept in general. In the practical field, as expressed by Rodney Barker, the concept of legitimacy is invoked in almost every social relationship today. This, in turn, does not

specify the meaning of the concept. Theoretically, this situation is not different. In the literature on social and legal sciences, the concept of legitimacy is differently understood and expressed by different schools.

CONCLUSION

Today, in many political systems, various groups oppose demands for constitutional change. This is characteristic both for earlier adopted constitutions as well as for some new constitutions. In other words, the dynamics of constitutional changes and the problem of constitutional changes are today one of the most important topics of constitutional researches. In our opinion, the inconsistency between the political culture and the constitution, the failure to give voice to certain groups in the adoption of the constitution, and the failure to fulfill the constitutional desires of the aristocrats and the masses have not been satisfactory.

References:

1. Almond, Gabriel A., "Civic Culture", The Blackwell Encyclopedia of Political Science içinde, Vemon Bogdanor, (der.), Blackwell, Londra, 1991.
2. Applewhite, Harriet B., "Political Legitimacy in Revolutionary France, 1788-1791", Journal of Interdisciplinary History, S. 9, 1978.
3. Arato, Andrew, "Constitution and Continuity in the East European Transitions", Constitutionalism and Politics içinde, Irena Grudzinska Gross, (der.), Slovak Committee of the European Cultural Foundation, Bratislava, 1994.
4. Ball, Terence, "Power," The Blackwell Encyclopedia of Political Thought içinde, David Miller, Janet Coleman, William Connolly, Alan Ryan (der.), Blackwell, Oxford, 1993.
5. Barker, Rodney, Political Legitimacy and the State, Clarendon Press, Oxford, 1990.
6. Barry, Brian, Sociologists, Economists, and Democracy, University of Chicago Press, Chicago, 1970.
7. Butler, David ve Austin Ranney, (der.), Referendums Around the World, Macmillan, Londra, 1994.
8. Conradt, David, "Changing German Political Culture", The Civic Culture Revisited içinde, Gabriel A. Almond, Sidney Verba, (der.), Sage Publications, Londra, 1980.
9. "Political Culture, Legitimacy, and Participation", West European Politics, S. 4, 1981.
10. "West Germany: A Remade Political Culture? Some Evidence from Surveys and Archives", Comparative Political Studies, S. 7, 1974.
11. Dahi, Robert A., Modern Political Analysis, 2. Baskı, Prentice-Hall, Inc., Englewood
12. Diamond, Larry ve Seymour Martin Lipset, "Legitimacy," The Encyclopedia of Democracy içinde, Seymour Martin Lipset (der.), Congressional Quarterly Inc., Washington D.C., 1995.
13. Diamond, Larry, "Introduction: Political culture and Democracy", Political Culture and Democracy in Developing Countries içinde, Larry Diamond, (der.), Lynne Rienner, Boulder, 1994.
14. Diamond, Larry, Juan J. Linz, Seymour Martin Lipset, "Introduction: What Makes for Democracy?" Politics in Developing Countries içinde, Larry Diamond, Juan J. Linz, Seymour Martin Lipset, (der.), İkinci baskı, Lynne Rienner Publishers, Boulder, 1995.