

The Philosophical, Legal and Economic Explanation and Sources of the Concept of Legitimacy

UDC: 327; 327.5

DOI: <https://doi.org/10.15421/172483>**Alakbarov Tural Tahir**Ph.D. Student, <https://orcid.org/0009-0002-7524-3886>, turalekbarov@gmail.com*Ganja State University (Ganja, Azerbaijan)*

Abstract

The concept of legitimacy is a fundamental and complex notion that permeates fields such as political science, moral philosophy and governance. It signifies the recognition and acceptance of authority as fair and merit-based. The concept of legitimacy has been a relevant topic since ancient and medieval times and has been approached in various ways. This article aims to explore the concept of legitimacy within different philosophical, legal and economic contexts. The objective is to thoroughly analyze how legitimacy is shaped within the political and administrative structure of society, particularly examining its influence on legal frameworks, ethical principles and economic systems. Additionally, the article explains how the notion of legitimacy evolved through different eras and cultures, especially highlighting its origins and impact in Medieval Europe and the Islamic world. The methodology of the research of this article is defined by analytical review and comparative approach. The author presents various philosophical theories (including those of John Locke and Max Weber) and examines their relevance in the contemporary period. Furthermore, comparative historiography is employed to explain the development of legitimacy within different legal and economic frameworks. The article is based on theoretical analyses of the concept of legitimacy in various historical periods and cultures (feudalism, monarchy, Islam). Through this methodology, the author attempts to reveal how the concept of legitimacy has transformed over time and how these changes influence modern governance systems. The main novelty of the study political legitimacy of civilian government stems from consensus among its autonomous institutions – legislative, judicial and executive branches – for collective national welfare. Civil legitimacy is also established through various non-electoral accountability measures, including financial transparency and stakeholder accountability. Internationally, adherence to international human rights norms can also gauge civil legitimacy.

Keywords: legitimacy, modern society, legal systems, political science, governing system

Філософсько-правове та економічне пояснення та джерела поняття легітимності

Алекбаров Турал*Гянджінський державний університет (Гянджа, Азербайджан)*

Анотація

Поняття легітимності є фундаментальним і складним поняттям, яке пронизує такі галузі, як політологія, моральна філософія та управління. Це означає визнання та прийняття влади як справедливої та заснованої на заслугах. Поняття легітимності було актуальною темою з часів античності та середньовіччя, і до неї підходили різними способами. Ця стаття спрямована на дослідження поняття легітимності в різних філософських, правових та економічних контекстах. Мета полягає в тому, щоб ретельно проаналізувати, як легітимність формується в політичній та адміністративній структурі суспільства, зокрема досліджуючи її вплив на правові рамки, етичні принципи та економічні системи. Крім того, у статті пояснюється, як поняття легітимності розвивалося в різні епохи та культури, особливо підкреслюючи його походження та вплив у середньовічній Європі та ісламському світі. Методологія дослідження цієї статті визначається аналітичним оглядом та порівняльним підходом. Автор представляє різноманітні філософські теорії (зокрема Джона Локка та Макса Вебера) та досліджує їхню актуальність у сучасний період. Крім того, порівняльна історіографія використовується для пояснення розвитку легітимності в різних правових та економічних рамках. Стаття базується на теоретичному аналізі поняття легітимності в різні історичні періоди та культури (феодалізм, монархія, іслам). За допомогою цієї методології автор намагається виявити, як поняття легітимності трансформувалося з часом і як ці зміни впливають на сучасні системи управління. Головна новизна дослідження політичної легітимності цивільного уряду впливає з консенсусу між його автономними інституціями – законодавчою, судовою та виконавчою гілками влади – для колективного національного добробуту. Громадянська легітимність також встановлюється за допомогою різноманітних заходів підзвітності, не пов'язаних із виборами, зокрема фінансової прозорості та відповідальності зацікавлених сторін. На міжнародному рівні дотримання міжнародних норм прав людини також може оцінити громадянську легітимність.

Ключові слова: легітимність, сучасне суспільство, правові системи, політологія, система управління

Introduction.

The concept of legitimacy holds significant weight in the legal domain by providing a framework for understanding how authority and governance are lawfully exercised. Legally, legitimacy is often used in conjunction with the rule of law, referring to the compliance of actions, decisions, and institutions with established laws and legal norms. One key aspect of legal legitimacy is adherence to the rule of law. Governments and institutions are considered lawful when they operate within established legal frameworks, ensuring that their actions are legal, fair, and in alignment with recognized legal principles.

Constitutional legitimacy serves as a cornerstone in many legal systems, emphasizing the importance of aligning governance with constitutional principles. This legal document functions as a fundamental source of legitimacy, delineating the powers, limitations and responsibilities of state institutions. In this context, legitimacy arises from the recognition and adherence to constitutional provisions.

Economic legitimacy, in turn, influences interactions among governments, enterprises and individuals within economic systems, shaping a significant characteristic of modern societies. Economic legitimacy is closely tied to dominant economic theories, which affect policy frameworks and governance structures (Kay, 2014, p. 42). In other words, legitimacy is a quality denoting the recognition and acceptance of something or someone as rightful and just. In political science, legitimacy traditionally refers to the widespread acceptance and acknowledgment of the governing regime's authority by the public, where authority stems more from consent and mutual understanding than from coercion.

Research results.

In political philosophy, scholars debate what makes a government legitimate and how it gains its power. One prominent philosophical view comes from the Enlightenment thinker John Locke, who argued that political legitimacy depends on the explicit or tacit consent of the governed. Locke's concept emphasizes the importance of the people's consent to the government, establishing a contractual relationship that forms the basis of legitimacy.

Another influential view is that of German sociologist Max Weber, who defined three types of political legitimacy: traditional, charismatic, and rational-legal. Traditional legitimacy is based on social customs and historical recognition, while charismatic legitimacy derives from the personal charisma of the leader. Rational-legal legitimacy, according to Weber, is based on institutional procedures and the government's adherence to the law for the public good.

Beyond political theory, legitimacy finds resonance in moral philosophy, where it is often interpreted positively as the normative status that the governed assign to the institutions and activities of their government.

Philosopher Dolf Sternberger emphasizes that legitimacy serves as the foundation of state authority, requiring both the government's recognition that it has the right to rule and the recognition of that right by the governed. Moral philosophy emphasizes the ethical aspects inherent in legitimacy. In moral philosophy, legitimacy is viewed as the normative status that the governed assign to the institutions and activities of their government. It is based on the belief that the government's use of force is consistent with legal and constitutional principles.

The legitimacy of economic governance is inextricably linked to the institutions that control economic activity. Regulators, central banks, and financial institutions play an important role in maintaining economic legitimacy by enforcing rules, ensuring fair competition, and protecting against fraud and wrongdoing. The legitimacy of these institutions depends on their transparency, accountability, and effectiveness in achieving economic goals (Catlaw, 2009, p. 10).

In the economic landscape, businesses also seek legitimacy in the eyes of the public and their stakeholders. Corporate legitimacy includes not only financial success, but also ethical business practices and social responsibility. Companies are increasingly valued for their contributions to environmental sustainability, ethical issues, and social well-being. From a corporate perspective, economic legitimacy extends beyond profit making to include issues such as companies' contributions to society and social responsibility.

Contemporary economic challenges such as income inequality, financial crises and globalization pose serious threats to economic legitimacy. Unfair distribution of wealth, concentration of economic power and the impact of economic policies on marginalized groups can undermine the legitimacy of economic systems. In the era of globalization, economic legitimacy is no longer limited by national borders. International economic institutions, trade agreements and global financial systems are also subject to tests of their legitimacy. Debates on the legitimacy of transnational economic actors highlight the need for inclusive decision-making processes and the consideration of the diverse interests of participating states (Loewe, & Shaughnessy, pp. 40-46).

1. Technological advances, especially communication and information technologies, have profoundly affected the sources of legitimacy. The ability of governments to communicate and inform their citizens has been critical to maintaining legitimacy. Transparency, accountability, and the dissemination of accurate information have contributed to the perception of a legitimate government. Conversely, the misuse of technology, such as the dissemination or manipulation of information, can undermine trust in government institutions and undermine their legitimacy. The post-Industrial Revolution era has emphasized the importance of open communication and information sharing in maintaining political power (Kay, 2014, p. 42). As

industrialization progressed, concerns about social justice, equality, and inclusion became central sources of legitimacy. Governments that combat discrimination, protect civil rights, and promote social welfare gained legitimacy by adapting to evolving societal values. Movements promoting human rights, gender equality, and environmental sustainability helped redefine the parameters of legitimacy. Inclusion and representation became key factors in determining the legitimacy of political systems. Governments that are aware of and responsive to the diverse needs of their populations appear more legitimate and strengthen a sense of unity and shared identity (Hummer, 2006, 320 p.).

2. Autocratic regimes, on the other hand, often derive legitimacy from their ability to maintain stability and order. The promise of security and protection from internal or external threats can create the impression that the government is fulfilling a vital role, even if it comes at the expense of some civil liberties. Autocratic leaders can legitimize their power through economic success. When an authoritarian government delivers economic growth, job creation, and rising living standards, it can gain support and be perceived as legitimate by those who value economic stability over political freedom (Forsdyke, 2005).

Authoritarian regimes often emphasize nationalism and a shared national identity as a source of legitimacy. Appeals to historical or cultural values, as well as ideas of protecting the nation from external threats, can strengthen the population's sense of legitimacy. Authoritarian governments often control the flow of information to shape political narratives. By limiting dissenting voices, autocratic leaders attempt to maintain their legitimacy under control, create a united front, and attempt to reduce dissent. Thus, to summarize our exploration of philosophical, legal, and economic explanations and sources of the concept of legitimacy, we can note that legitimacy at the legal level is a multifaceted concept that includes respect for the legal framework, due process, and recognition of constitutional principles. Legal legitimacy is not static; it evolves along with societal values, changes in legal interpretations, and responses to contemporary challenges. By understanding and addressing these challenges, legal systems can strengthen and maintain the legitimacy necessary for the effective and fair exercise of power in accordance with the law. Economic legitimacy, on the other hand, reflects the fairness and efficiency of economic systems that affect the relationships between governments, businesses, and individuals. As societies face economic challenges and transformations, maintaining economic legitimacy requires a balanced approach that takes into account both market dynamics and the social consequences of economic decisions. Achieving economic legitimacy is a continuous process that involves adapting economic structures to the changing expectations and values of the global community (Edwards, 1993)

Naturally, sources of legitimacy were not always based on legal and economic foundations as they are today. In ancient China, for example, the concept of legitimacy emerged from a complex interaction of philosophical ideas, cultural beliefs, and historical precedents (Ci, 2019). The Mandate of Heaven, Confucianism, and Legalism provided different sources through which rulers sought to legitimize their power. The dynamic interplay of these sources shaped the political landscape of ancient China, influenced the rise and fall of dynasties, and contributed to the enduring legacy of Chinese political thought. In ancient Greece, the concept of legitimacy emerged from a combination of civic participation, philosophical thought, mythological narratives, and the pursuit of virtue. Athenian democracy laid the foundation for a participatory model of legitimacy, with a particular emphasis on citizen participation, while philosophers such as Plato and Aristotle offered nuanced views on the qualities that legitimize political authority.

The interplay of myth and religion further reinforced the divine foundations of legitimacy, and the concept of arete emphasized the importance of virtue in establishing legitimate authority. In ancient India, however, the concept of legitimacy was deeply rooted in a rich interweaving of spiritual, social, and philosophical ideals. Dharma served as a spiritual compass that guided rulers in maintaining cosmic order and ethical principles (Avari, 2007). The interweaving of concepts of kingship, social order, and divine legitimacy strengthened the sources of legitimacy by connecting rulers to their people and the cosmic realm. The philosophical contributions of Artha and Kautilya's Arthashastra provided practical guidance for rulers, emphasizing the complex balance between material prosperity and spiritual righteousness (Jha, 1998)

In ancient Rome, the sources of legitimacy were multifaceted, drawing on a combination of mythology, legal foundations, religious symbolism, and the ability to ensure stability and prosperity. The combination of political authority and divine connections evident in both the Republic and the Empire demonstrated the adaptability of Roman rulers to shape narratives that legitimized their rule. In medieval Europe, the concept of legitimacy was shaped by the complex dynamics of feudal relations, religious beliefs, and evolving political structures. Feudalism created the social and economic basis for legitimacy, and the papacy instilled religious legitimacy in rulers. As royal power developed, the sources of legitimacy expanded to include the observance of laws and the protection of the rights of subjects.

In medieval Islam, the concept of legitimacy was deeply rooted in the caliphate, adherence to sharia, and the oath of allegiance. The interplay of political and religious factors determined the sources of legitimacy, emphasizing the importance of rulers governing in accordance with Islamic principles. In the post-Industrial Revolution era, sources of legitimacy have been

shaped by economic transformation, the emergence of representative democracies, technological advances, and evolving notions of social justice. The dynamic interplay of these factors has influenced how government is perceived by citizens and the criteria for legitimacy. As societies continue to undergo further change in the digital age, understanding and adapting to these evolving sources of legitimacy are critical to the stability and effectiveness of governance (Labidi, 2022)

Today, the sources of legitimacy between democratic and autocratic regimes reflect fundamental differences in their principles of governance. While democratic legitimacy is rooted in the consent of the governed, the rule of law, and the protection of human rights, authoritarian regimes often rely on stability, economic performance, nationalist values, and information control.

Conclusions.

The concept of legitimacy is multifaceted and is a fundamental element in the fields of political science, moral philosophy, and management. It refers to the recognition and acceptance of authority as fair and meritocratic, often with an emphasis on the proper foundations of political authority. In political philosophy, theorists discuss what legitimizes authority and how it acquires this status. One of the main approaches in this area comes from the Enlightenment theorist John Locke. Locke associates political legitimacy with the explicit or tacit consent of the governed, emphasizing that there is a fundamental relationship between the state and the people. Locke's view emphasizes that the basis of legitimate government is mutual consent.

On this basis, the German sociologist Max Weber identifies three different forms of legitimacy: traditional, benevolent, and rational-legal. Traditional legitimacy is based on historical customs and public recognition, benevolent legitimacy derives from the personal appeal of the leader, and rational-legal legitimacy is based on institutional procedures and the law. Weber's classification still plays an important role in understanding modern state structures, as it showed how authority is based on different political systems. In addition, political theorists emphasize legitimacy as a measure of public trust in a system of governance. The American sociologist Seymour Martin Lipset notes that legitimacy is related to society's belief in the legitimacy of political institutions, and Robert A. Dahl compares it to the trust base that maintains political stability. A decline in trust suggests that legitimacy may be under threat, highlighting its weakness.

1. Beyond political theory, legitimacy is important in an ethical sense, as it is often viewed as a normative status assigned by people to the institutions in which government

resides. For philosopher Dolf Sternberger, legitimacy is the recognized basis of state authority, established by the state's recognition of the right to govern and the people's acceptance of that right. Moral philosophy thus emphasizes the internal ethical aspects of legitimacy, presenting it as compatibility with legal and constitutional principles. Legitimacy is also a central concept in the field of law, where it refers to the conformity of actions, decisions, and institutions with existing laws and norms. An important point here relates to the rule of law, as governments and institutions must operate within a legal framework to be considered legitimate. Constitutional legitimacy is especially important, as the conformity of governance with constitutional principles helps protect the basis of authority. Courts play an important role in maintaining legitimacy by ensuring fairness, impartiality, and competence in legal procedures (Labidi, 2022).

2. Economic legitimacy is another dimension that involves fair and effective interactions between governments, businesses, and individuals in economic systems. In classical economics, where Adam Smith's ideas emphasize free markets and minimal government intervention, economic legitimacy relies on the efficiency of markets and their responsiveness to supply and demand. But over time, the concept has come to reflect broader social influences, seeking to protect society's expectations and values by balancing market forces with social outcomes (Alyakut, 2019, pp. 71-74).

3. Historically, legitimacy has also emerged from religious and philosophical foundations. For example, in medieval Europe, the divine right of kings combined political and religious authority, with rulers legitimizing their power based on divine election. Rather, Islamic legitimacy derives from the principles of the Quran and Sunnah, where caliphs were considered the successors of the Prophet Muhammad. In both the Western and Islamic traditions, legitimacy was reinforced by symbolic ceremonies and social contracts that affirmed that government was based on a divine or moral order (Bilen, 2020)

The study of legitimacy therefore spans the fields of law, philosophy, and economics, each of which contributes to an understanding of legitimate and just government. Legal legitimacy emphasizes commitment to existing foundations, while economic legitimacy presupposes the fairness and efficiency of economic interactions. The underlying principles of legitimacy are dynamic, evolving with social values, legal interpretations, and contemporary challenges. By addressing these issues, legal systems can enhance the legitimacy needed for just governance, and economic systems can balance market dynamics with social justice.

REFERENCES

- Alyakut, O. (2019). *Reading cultural transformation through the theory of cultural legitimacy: The transmission of legitimate nutrition through advertisements*. Kocaeli: Kocaeli University.
- Avari, B. (2007). *India: The Ancient Past: A History of the Indian Sub-Continent from c. 7000 BC to AD 1200*. London: Routledge.
- Bilen, A. Y. (2020). *The industrial revolution in the history of economic thought: From past to present*. Niğde: Omar Halisdemir University.
- Catlaw, T. J. (2009). *Fabricating the People: Politics and Administration in the Biopolitical State (Public Administration: Criticism and Creativity)*. Alabama: University Alabama Press.
- Ci, J. (2019). *Democracy in China: The Coming Crisis*. Harvard: Harvard University Press.
- Edwards, C. (1993). *The Politics of Immorality in Ancient Rome*. Cambridge: Cambridge University Press.
- Forsdyke, S. (2005). *Exile, Ostracism, and Democracy: The Politics of Expulsion in Ancient Greece*. Princeton: Princeton University Press.
- Hummer, H. J. (2006). *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600-1000*. Cambridge: Cambridge University Press.
- Jha, D. N. (1998). *Ancient India in Historical Outline*. Delhi: Manohar Publishers & Distributors.
- Kay, R. S. (2014). *The Glorious Revolution and the Continuity of Law*. Washington: Catholic University of America Press.
- Labidi, R. (2022). *Comparison of the council system and the democracy system in Islamic law*. Tokat: Gaziosmanpaşa University.
- Loewe, M., & Shaughnessy, E. L. (1994). *The Cambridge History of Ancient China: From the Origins of Civilization to 221 BC*. Cambridge: Cambridge University Press.