The tense relation between democracy (the rule of people) and constitutionalism (the rule of law) has been one of the main issues in political theory. These two principles serve as the conditions of legitimacy for liberal democratic states. Constitutionalism requires political actions and practices to follow the general rules and procedures that are constitutionally founded. On the other hand, democracy, while acknowledging the general legal constitutional system, generates the idea that people are not only objects of law but also its agents, implying the people’s right to participate, have a say over and change the same rules and procedures of the lawful/constitutional order.

This tension raises questions for contemporary liberal democratic states: How should we understand democracy? Is it a form of rule or a political regime? Is a constitution that will not limit/constrain democratic politics and the popular energies of the people possible? These questions are also relevant to what kind of understanding we should have about citizenship: Should we see citizenship as merely a legal status and the citizen as who acts according to the law? Or should we see citizens as politically active participants who permanently question and reflect on the political rights and exercise?

I will elaborate on these issues in light of two prominent political theorists’ democracy theories - Habermas and Rancière - which represent different (maybe even opposing) views. Later, I will touch on recent debates about constitutional changes in Turkey to put the theoretical discussion in a contextual perspective.

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